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ABSTRACT

The manual is designed for a three hour training session to help participants become aware of P.L. 94-142 (the Education for All Handicapped Children Act) aid its implications, be presented with frameworks to be utilized when planning for and implementing P.L. 94-142, and practice generating strategies and procedures which help to facilitate implementation of P.L. 94-142. The document contains the following: a list of workshop objectives: a pretest answer sheet: an outline of full services for handicapped children: statements regarding responsibilities for agencies/personnel in special education: a case study: basic concepts for P.L. 94-142: due process flow charts: local education agency (LEA) requirements regarding student evaluation, the planning conference, parent participation, the individualized program, due process/hearings, surrogate parents, and confidentiality: LEA personnel development plan: a paper titled "How to Look at Your State's Plans for Educating Handicapped Children:" a state compliance plan: questions about P.L. 94-142: and sample forms from North Dakota. (SB)

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special education programs, receive a comprehensive educational evaluation and been the subject of a long range curricular plan developed through the Child Study Team. The child's entry into and exit from the long range curricular plan shall be guided by the products of a careful assessment and prescription relative to his immediate educational needs.

2.1 Due Process

Prior to any individualized evaluation or re-evaluation each child will be guaranteed full due process provisions regarding tests and evaluations. These provisions shall include guarantee of freedom from cultural bias and informed parent consent in assessment and evaluations decisions. All placement or programs resulting from assessment or evaluation shall give fullest consideration to least restrictive alternatives and require informed consent from the parent or guardian prior to placement. (Montana State Plan Confidentiality Section, Rules and Regulations 4.2, 4.5, and Section 5811 Montana State Law)

2.2 Comprehensive Evaluation

Each child who is being considered for special education placement and programming shall be the subject of a thorough comprehensive evaluation utilizing current best practices of testing and assessment so as to determine the child's developmental needs, academic and intellectual aptitude, psychological and social adjustments, and related health and physical status. (Rules and Regulations 6.2)

2.3 Educational Planning

Based upon data a thorough comprehensive evaluation or re-evaluation, the Child Study Team shall have developed for each child, placed in special education, a long range curricular study plan which shall include:

1. The general scope and sequence of educational experiences relative to the desirable and expected progress of the child during the placement in special education programs.

2. Criteria for exiting from the special education placement or program. (Regulation 6.5)

2.4 Assessment and Prescription

A careful instructional assessment will be made as often as needed for each handicapped child placed in a special education program. The instructional assessment will result in the development of an educational prescription detailing appropriate and practical daily instructional content and methods designed to meet the goals of the child's long range plan(s).

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PARTICIPANT MANUAL

for

PUBLIC LAW 94-142

WORKSHOP

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WORKSHOP OBJECTIVES

At the conclusion of a three-hour training session the participants will:

1) become aware of Public Law 94-142 and its implications

2) be presented with frameworks to be utilized when planning for and implementing Public Law 94-142

3) practice generating strategies and procedures which help to facilitate implementation of Public Law 94-142

ANSWER SHEET FOR PRE-TEST

1. F — The flow through of funds will not automatically occur as each LEA must submit an application to the SEA that will establish the number of children to be served and supporting documentation that is required in the Act.
2. T
3. F — Each LEA will set forth priorities for providing a free, appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability with the most severe handicaps who are receiving an inadequate education.
4. F — Each LEA will assure unless it is clearly documented not feasible to do so.
5. T
6. F — Each LEA will assure that no one test or type of test or means of evaluation is used as the sole criterion for placement.
7. T
8. d
9. b
10. a
11. c
12. a
13. b
14. d

FULL SERVICES FOR HANDICAPPED CHILDREN

1.0 CHILD FIND

GOAL: All handicapped children and youth in Montana will be identified, located and periodically followed up to insure their receiving appropriate educational services.

1.1 Awareness

Parents of exceptional children and youth, educators, and other citizens of the State of Montana will be informed of the educational needs of exceptional children and youth, of their right to full and appropriate educational services, of the responsibility of educational agencies for providing full and appropriate educational services, and of the availability of such services. (1975 State Plan)

1.2 Identification and Location

All exceptional children will be identified and appropriate data provided to appropriate state educational agencies, regional educational agencies, local educational agencies, and other community agencies. (7803 Section 2 Montana State Law)

1.3 Referral

All handicapped children identified and located will be systematically referred to and/or placed in contact with appropriate agencies or individuals in order that rapid and approprate attention will be provided to each referred individual according to need. (7803 and 7804 Section 2 Montana State Law)

1.4 Follow-Up

A systematic follow-up of handicapped children referred for service will have been conducted by appropriate individuals at the state regional and local levels to insure that the needs of each referred child were attended to in a timely and systematic fashion.

2.0 APPRAISAL

GOAL: All referred handicapped children shall have, with the informed consent of their parents or guardians, before being placed in

3.0 PROGRAMMING

GOAL: Each handicapped child and youth shall have been guaranteed least restrictive educational alternatives through:

1. A continuum of appropriate educational placements.
2. The availability and utilization of appropriate resources and methods.
3. A continuous assessment of the child's progress during implementation of his educational plan and prescription.
4. An annual evaluation of the service delivery model. (Rules and Regulations Section 7)

3.1 Resource Matching

Each exceptional child's entry or transition in an educational program shall have been predicated upon thorough identification, selection, and appropriate assignment of agency personnel and technical and facility resources needed for the implementation of each personalized educational plan and prescription.

3.2 Educational Placement

The assignment and maintenance of each child's placement in a special education program shall have been based upon a judicious consideration and review of the incorporate activities and milieu with respect to maximal expression of each personalized educational plan and prescription and the minimal restriction of normalizing experiences. (Rules and Regulations 6.5 Section 7)

3.3 Curriculum Implementation

Each handicapped child's educational plan will be enhanced through the application of instructional resources and methods appropriate to his evolving educational needs and abilities. (Rules and Regulations 6.5)

3.4 Program Review

A systematic annual review of each local education agencies and regional education agencies, special education program will be conducted so as to make necessary appropriate adjustments and improvements. Each handicapped child will be the subject of a systematic annual review of his progress on an individual basis as well as the recipient of systematic ongoing review of his educational program during his tenure of special education placement. (Rules and Regulations 6.7)

4.0 PERSONNEL SUPPORT

GOAL: Actualization of full educational services for each exceptional child shall have been effectively facilitated by means of systematic assessment of personnel needs and the removal of related barriers to necessary programs and services. (Rules and Regulations Section 7)

4.1 Needs Analysis

Needs relating to availability, de-ployment and support or development of special education personnel shall have been identified, defined and assessed in terms of their valence as barriers to full educational services to handicapped children.

4.2 Strategy Development

Cost efficient response to identified technical support or development needs of special education personnel shall have achieved by means of timely and appropriate de-ployment of personnel, technical, and fiscal resources.

4.3 Training

Effective delivery of full educational services to exceptional children and youth shall have been stimulated and facilitated by means of appropriate in-service and pre-service training activities designed to meet identified man power needs.

4.4 Technical Assistance

Organization and application of special education resources and methods shall have been facilitated as necessary for each handicapped child by means of appropriate utilization of consultation, demonstration, and other modes of assistance specific to a given educational situation.

5.0 MATERIAL SUPPORT

GOAL: All exceptional children and youth in Montana will have access to a readily available supply of instructional materials appropriately matched to their instructional needs and individual learning characteristics.

5.1 Acquisition and Development

Appropriate instructional materials are acquired and developed and housed at a location as close to the handicapped child as economically feasible with high usage, low cost materials available at the local level and lower usage, higher cost material available at the regional level.

5.2 Curriculum Matching Referral

Materials are coded into a system permitting teachers to retrieve materials based upon curriculum and learners specifications and teachers are trained in the use of the retrieval system.

5.3 Dissemination and Evaluation

Teachers and parents and others working with the handicapped are aware of services and materials available through local, regional and national resources and receive periodic up-dates on new materials and new services.

6.0 MANAGEMENT

GOAL: Mechanisms are in effect at all levels of the state education system and within other human resource agencies to insure attainment of the full services goal through an integrated system of program planning and budgeting. Resource acquisition and allocation and monitoring and evaluation design to identify and meet the needs of handicapped children.

6.1 Program Planning and Budgeting

Mechanisms are in effect at all levels of the state education system and within other human resources agencies to determine additionally needed special services for children. Conduct child identification activities, develop plans for the coordinated implementation of the full services system and identify regions in need of intensified program development.

6.2 Resource Acquisition and Allocation

Mechanisms are in effect at all levels of the state educational system and within other human resourcesagencies to secure the involvement of and coordinate the efforts of all appropriate agencies and organizations in planning and implementing the state wide system of child identification and evaluation, and special local and regional full services programs and demonstration programs.

6.3 Monitoring and Evaluation

Procedures are in effect at all levels of the state education system and within other human agencies to provide for the evaluation of programs at the level of the individual child and for documenting, reporting and updating needed information regarding the movement of children into and through programs, descriptions, and costs of related services and programs and projected programs and fiscal use.

7.0 PARENTS

GOAL: Parents are with their children more often and for longer periods of time than anyone else. Because of this, parents are your most valuable partners in the child's education. The goal is to provide for informed involvement on the part of the parent.

7.1 Parents - Change Agents

Parents are informed of their rights and provided with information so that they may become active members of local and national change agencies.

7.2 Parent Resources - To Identify

1. Resources that can be used with parents, and
2. Parents that can be used as resources.

7.3 Parent Role in Programming

To provide information and instruction to the parents so they can assume a meaningful role in the educational and vocational programming of their children.

7.4 Parent Counseling

To develop a systematic method and procedure to be used in the adjustment process of parents and siblings to the handicapped child.

Responsibilities for Special Education

The statements of responsibility presented here have been written to be consistent with the administrative philosophy that the building principal is the educational leader of the school and is responsible for all programs within that school. The planning team should review these statements of responsibility and develop statements that are consistent with the administrative policy of their own local school system.

The goal of this activity is to develop a set of statements that can be agreed upon by administrators and program specialists and that will serve to delineate clearly the basic responsibilities involved in providing a full services program.

State Department of Education

The Department of Education is the state agency with primary responsibility for insuring that educational services are provided to all handicapped children from the age of 3 to 21, thereby fulfilling the state's mandate of providing free, appropriate, public education for handicapped children. In this process, it is intended that local education agencies (LEAs), other state agencies, institutions, and private organizations be utilized to provide the required educational services so that all handicapped children are receiving all necessary educational services by the 1976-77 school year. In meeting the above stated goals, handicapped children are to be educated in the least restrictive setting appropriate to their individual needs.

To accomplish the objective of serving all handicapped children, it is the responsibility of the Department to:

* Determine eligibility criteria for those to receive special education services.
* Provide or cause to be provided all necessary special education services.
* Establish regulations and guidelines pertaining to the education of handicapped children.
* Establish implementation guidelines and facility specifications for special education services.
* Establish certification requirements for personnel providing services to handicapped children.
* Provide assistance to LEAs in implementing and operating educational programs for handicapped children.
* Review and approve implementation and operation of education programs for handicapped children to ensure conformance to establish standards and guidelines.

* Receive, disburse, and administer state and federal funds designated for education of handicapped children.
* Establish guidelines to protect student and parent rights, particularly in the areas of due process and confidentiality of information.

Division of Special Education

The Division of Special Education has the leadership role in expanding and developing educational programs for handicapped children in the state. It provides guidance in the implementation of State Board of Education regulations and policies governing the education of handicapped children and provides direction and assistance for special education in the State.

It is the responsibility of the Division of Special Education to:

* Serve as the advocate for special education in the Department of Education and state government.
* Work closely with and provide staff support to the State Advisory Panel for Special Education.
* Inform LEAs, parents, and other agencies of the content and implications of state and federal laws pertaining to the education of handicapped children.
* Perform statewide planning for educational programs and services for handicapped children.
* Update the State Plan for Special Education annually.
* Develop the necessary procedures, guidelines, forms, and instruments to implement State Board of Education policies, and state and federal laws governing the education of handicapped children.
* Monitor implementation of special education programs.
* Monitor special education programs to assure compliance with state regulations.
* Review LEA special education plans and recommend action on them to the Department of Education.
* Approve LEA requests for state reimbursement for expenditures for special education services.
* Administer Education for the Handicapped Act funds and monitor programs funded from these monies.
* Review proposals for projects involving handicapped students made to other Elementary and Secondary Education Act programs.
* Provide and participate in inservice training for educational personnel.
* Maintain summary information on special education in the state.
* Disseminate information concerning educational programs for the handicapped to interested agencies, organizations, and individuals.
* Participate in accreditation and reevaluation studies of LEAs.
* Review and recommend action on certification requests of special education teachers and other specialized personnel providing services to handicapped children.

* Serve as liaison with other state agencies, parent and professional organizations, and other private agencies serving handicapped children.
* Serve as liaison with colleges and universities preparing personnel to work with handicapped children.
* Serve as liaison with federal projects and national agencies which provide services for handicapped children.

Local Education Agencies

The local LEAs have the primary responsibility for providing appropriate educational programs for all handicapped children between the ages of 3 and 21 who are legal residents of the local district. The basic responsibility for handicapped children is to ensure that all such children receive a free and appropriate education.

The LEA's responsibility for a handicapped child is not lessened if the child is being served by another public agency, insititution, or private organization. The LEA has the final responsibility to insure that the needed services are provided, either by providing the service directly or obtaining the service from another source. The organizational arrangements under which handicapped children are served, the agencies providing services, and the types of services provided are determined locally to meet individual situations; such determinations are to be within state guidelines.

To ensure the education of all handicapped children, the LEAs have the responsibility to:

* Seek out and locate all children within the LEA with possible handicapping conditions, including those served by other public and private agencies.
* Provide for the comprehensive evaluation of educational needs, the development of individualized educational plans, and the provision of appropriate educational services for every handicapped child in the LEA.
* Operate educational programs to serve handicapped children in accordance with policies, procedures, and guidelines established by the State Department of Education.
* Coordinate services for handicapped students in the LEA provided by the schools, other public and private agencies, and individuals.
* Contract with other LEAs, public and private agencies, and individuals to provide appraisal, instructional, and support services to handicapped children.
* Extend, at a minimum, equal effort on behalf of the education of each handicapped child as expended for the education of each non-handicapped child.
* Develop and approve the special education plan and budget and submit the plan, after approval by the local school board, to the State Department of Education.

* Provide a special education inservice training program for LEA personnel to maintain and improve their skills and abilities in serving handicapped children.
* Provide for due process for handicapped children and their parents in accordance with procedures established by the State Department of Education.
* Maintain information records of all handicapped students in such a manner as to protect confidentiality of information and to allow parental access to information.
* Provide such reports concerning the education of handicapped children as required by the State Department of Education.
* Maintain information on state and local educational programs for the handicapped, parent organizations, and other services for the handicapped and provide such information to parents of handicapped children.
* Provide for a multi-sourced diagnostic evaluation and a comprehensive staffing of all handicapped students receiving special education services. All tests administered will be as free of discrimination as possible, considering the population upon which they were standardized and the population to which they are administered.

School Principal

The school principal has the primary responsibility for providing educational programs to handicapped children. The primary role of the principal in this area is to ensure the effective and complete provision of necessary and appropriate services to handicapped children in the school. Specific responsibilities are to:

* Coordinate and administer special education services in the school.
* Supervise educational personnel serving handicapped children in the school.
* Designate and implement educational programs for the handicapped children in accordance with approved policies, procedures, and guidelines of the LEA and of the State Department of Education.
* Promote attitudes of school personnel and parents that encourage the acceptance and inclusion of handicapped children in regular classes and interaction with regular students.
* Receive referrals of students with suspected handicapping conditions from teachers, parents, and others.
* Arrange for appropriate evaluation for those students recommended for evaluation as a result of a screening procedure.
* Supervise the maintenance of child records at the school level and protect the confidentiality of these records.
* Receive teacher requests for assistance and provide or arrange for specialized assistance.
* Implement due process procedures.

* Plan for special education programs in the school and make budget recommendations to the superintendent.
* Participate in LEA plan for special education services.

Teachers Serving Handicapped Children

Teachers who serve handicapped children are teachers of special classes, resource teachers, itinerant teachers, homebound and hospital teachers, child development specialists, and other teachers with handicapped children in their classrooms. Specific responsibilities of these teachers are to:

* Participate in the referral and evaluation processes, as appropriate.
* Cooperate and participate in the development of individual student placement plans.
* Coordinate the development of individual instruction plan for each child, including developmental and sequential short-term objectives leading to the achievement of annual goals specified in the placement plan.
* Provide appropriate instruction to handicapped students.
* Request support and assistance from specialized resource personnel as necessary to meet the needs of handicapped children.
* Provide consultation assistance to other educational personnel, as appropriate.
* Monitor student progress and update individual instructional plan.
* Maintain continuous progress report on student achievement of specified objectives.
* Participate in and conduct periodic reviews of student progress.
* Hold and attend regular parental conferences, and conduct home visits to students and their parents, as appropriate.
* Participate in annual placement meeting of handicapped students, providing Placement Committee with summary of student achievement in prior placement.

LEA Supervisor of Special Education

The Supervisor of Special Education has a leadership role in developing and expanding special education programs in the LEA. The supervisor provides guidance in the implementation of local and state Board of Education policies and regulations governing the education of handicapped children in the LEA. The supervisor's primary responsibility is to

coordinate all technical assistance or instructional support services in support of the instructional program for handicapped students within the LEA. The specific responsibilities are to:

* Serve as the advocate for special education in the LEA.
* Work closely with and provide staff support to the local Advisory Committee for Special Education.
* Inform LEA personnel, parents, and other agenices of the content and implications of state and federal laws and regulations pertaining to the education of handicapped children.
* Coordinate LEA planning for educational programs and services for handicapped children.
* Update the LEA plan for special education annually.
* Maintain summary data on special education in the LEA.
* Disseminate information concerning LEA educational programs for the handicapped to interested agencies, organizations, and individuals.
* Provide technical assistance to principals in the supervision of special education programs and personnel.
* Coordinate LEA awareness, screening, assessment, and placement programs.
* Initiate and administer programs to locate and evaluate students with suspected handicapping conditions.
* Monitor operation of LEA programs handicapped children to assure operation in accordance with local and state approved policies, procedures, and guidelines.
* Provide consultative service, through principals, to teachers serving handicapped students.
* Maintain information on and liaison with other public and private agencies and individuals who provide servies to handicapped students in and of the LEA.
* Coordinate the development of LEA inservice program for special education.
* Participate in total LEA inservice program for all personnel.
* Provide liaison with parent and professional organizations.

These personnel provide additional services to handicapped children or children with suspected handicapping conditions. They include, but are not limited to, educational and psychological examiners, speech and language pathologists and audiologists, school counselors, school nurses, occupational, music and physical therapists, social workers, psychologists, and physicians.

Their work in connection with the implementation of individual goals in the instructional program falls under the supervision of the principal. Their work in connection with appraisal and placement functions falls

under the appropriate supervisor of instructional support services. Specific duties vary with the position, but in general their responsibilities are to:

* Participate in the referral, evaluation, and placement processes, as appropriate.
* Assist in the development and implementation of individualized instructional plans for each handicapped student.
* Provide necessary supportive services for handicapped children.
* Provide consultative services to other educational personnel.
* Participate in periodic reviews of student programs.

CASE STUDY

Michelle is eight years old. She is the last child in a family of thirteen children. Her development to age five had been fairly normal but somewhat slower than other children in the family.

At age five, Michelle was enrolled in a public kindergarten. It soon became evident that she was not at all happy being away from home and with other children of her chronological age.

Mother and Father were aware that Michelle's readiness level was not at the same point at which their other children were at this age. Shyness was a trait exhibited by several children in the family upon entering school so Michelle's shyness was not at all unusual.

It was recognized by some school personnel that Michelle had some characteristics common to Mongoloid children. Parents were not aware of these characteristics.

What would your responsibility be if you were:

a. Kindergarten Teacher

b. Special Education Teacher

c. Principal

d. State Department Representative

e. Parent

BASIC CONCEPTS FOR PUBLIC LAW 94-142

The information that follows is from the proposed regulations which is subject to change until the regulations are printed in their final form.

1. There are 8 million handicapped children in the U.S. today.

2. More than ½ of the handicapped children do not receive appropriate educational services which would enable them to have equality of opportunity.

3. The law is addressed only to those children, who by reason of their handicap, need special education and related services in order to learn.

4. Handicapped children are defined as mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired or other health impaired, or children with specific learning disabilities.

5. The term 'special education' means specially designed to meet unique needs of a handicapped child including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

6. The term 'related services' means transportation and other developmental, corrective, and supportive services such as speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services.

7. The term 'individualized education program' means a written statement for each handicapped child developed in a conference by a representative of the LEA or an intermediate educational unit, the teacher(s), the parent or guardian of such a child, and, whenever appropriate, such child.

8. By September 1, 1978, the State Education Agency must guarantee availability of free appropriate public education to all handicapped children between the ages of 3 and 18 in order to receive funds.

9. In 1978, 50% of allocated funds for this act must be passed through to LEA's. In 1979 and thereafter, 75% of the funds must pass through to LEA's.

10. The Federal allocation for both the SEA and its LEA's is based upon the number of handicapped children receiving special education. Therefore, on <u>October 1</u> and <u>February 1</u> of the

fiscal year preceding the fiscal year in which the Federal funds will in fact be made available, local school districts must count their handicapped children served. An average of two counts will determine their entitlement.

11. Although a substantial local entitlement is authorized in this Act, the SEA, upon its own determination, must refuse to pass through Federal dollars for a number of reasons. If a school district does not conform to the overall State Plan requirements contained in this Act and existing law - such as the 'full service' goal, confidentiality, or free education - money must be withheld.

12. No withholding at any level may occur without the guarantee of appropriate due process procedures to the alledged offending agency. Special education for the 3 to 5 and 18 to 21 age groups would apply only when such a requirement is not "inconsistent" with State law or practice, or any court decree.

13. P.L. 94-142 establishes a single line of authority for all handicapped children with respect to their education. All education programs within the state for all handicapped children, including all such programs administered by any other state agency, must meet state education agency standards and must be under the general supervision of the SEA.

14. The law requires each state to develop and implement a comprehensive system of personnel development that includes the preservice and inservice training of general and special education instructional and support personnel.

15. In order for a state to be eligible for federal funds it must submit a plan of policies and procedures that will assure the Federal government that funds given to the states will be spent in accordance with the law.

16. There must be a state advisory panel made up of handicapped individuals, teacher, parents or guardians of handicapped children, and state and local administrators and officials.

17. No state is permitted to count more than a sum equal to 12% of their children ages 5 through 17, and no more than one-sixth of the children counted may be children with specific learning disabilities (as of 10-1-77).

18. Most significantly, the new law sets a flat monetary minimum. If a school district, after counting all of its handicapped children served, cannot generate an allocation for itself of at least $7,500, a pass-through to the school district does not occur.

19. A State may require the consolidation of entitlements for several local districts if one or more of those localities

would be unable to maintain programs of sufficient size or scope to serve their handicapped children.

20. The SEA is permitted to use for its own administrative purposes, from the portion reserved to the SEA, 5% of the total allocation to the State or $200,000, whichever is greater.

21. The LEA may place a child in a state approved private school or institution if such placement is considered to be the best means of carrying out public school policy. Funds under P.L. 94-142 may be utilized to cover these costs.

22. Both the SEA and the LEA must establish certain priorities in order to be eligible for Federal funds: First priority to children unserved; Second priority to children who are severely handicapped within each disability who are inadequately served.

23. The SEA and LEA must guarantee educational assessment policies and procedures which are racially and culturally nondiscriminatory.

24. The SEA and LEA must guarantee that no single evaluation procedure shall be the sole criterion used for determining a child's program or placement.

25. The policies and procedures to guarantee confidentiality must be contained in the State Plan.

26. Both the SEA and LEA must assure full access for parents, guardians, or surrogates to all such information.

27. If parents feel unfair assessment has been made, they are entitled to obtain an independent education evaluation of the child.

28. Parents or guardians must receive written notice in their native language prior to any proposed change regarding the identification, evaluation, or educational placement of their child.

29. The SEA and LEA must guarantee that all handicapped children will be educated in the least restrictive environment commensurate with their educational needs.

30. P.L. 94-142 requires that to the maximum extent appropriate handicapped children should be educated with children who are not handicapped, and that special classes or separate schooling occurs only when the nature of severity of the handicap is such that education in regular classes with the sue of supplementary aids cannot be achieved satisfactorily. Parents have the right to challenge that program if they

believe it is not being carried out in the least restrictive environment.

31. The SEA must guarantee in the State Plan the maintenance of due process procedures for all handicapped children within the state on matters of identification, evaluation, and educational placement, whether it be the initiation or change of such placement or the refusal to initiate or change. The State Plan must detail the due process procedures which will be followed.

32. If parents do not feel that the placement decision made by the local education agency is appropriate, or if the school officials refuse to provide the appropriate program, they have the right to request a due process hearing.

33. At a process hearing, disagreement between the parents and the school district can be aired before an impartial hearing officer. In order to preserve impartiality, the hearing officer may not be an employee of the agency responsible for the child's education.

34. Either party at a hearing may be accompanied by legal counsel and by individuals with special knowledge or training with respect to the problems of the child.

35. A tape recording or written verbatim account of the hearing must be available to all concerned.

36. If anyone is dissatisfied with the decision, he/she may ask the SEA to review the decision.

37. While a final decision is pending, the child entitled to remain where he/she was before the action began. If the educational setting agreed upon continues to be in a private school, the local district may use Federal dollars to help pay for his/her education, provided the SEA funds the facility to be meeting their standards.

38. Although a child lives in a State facility, this new law holds the SEA responsible for supervising his/her education and requires that the state institution meet the educational standards of the SEA.

39. A child in a state institution must be accorded all the educational rights and services he/she would have if he/she were attending a public school, including an individual educational plan.

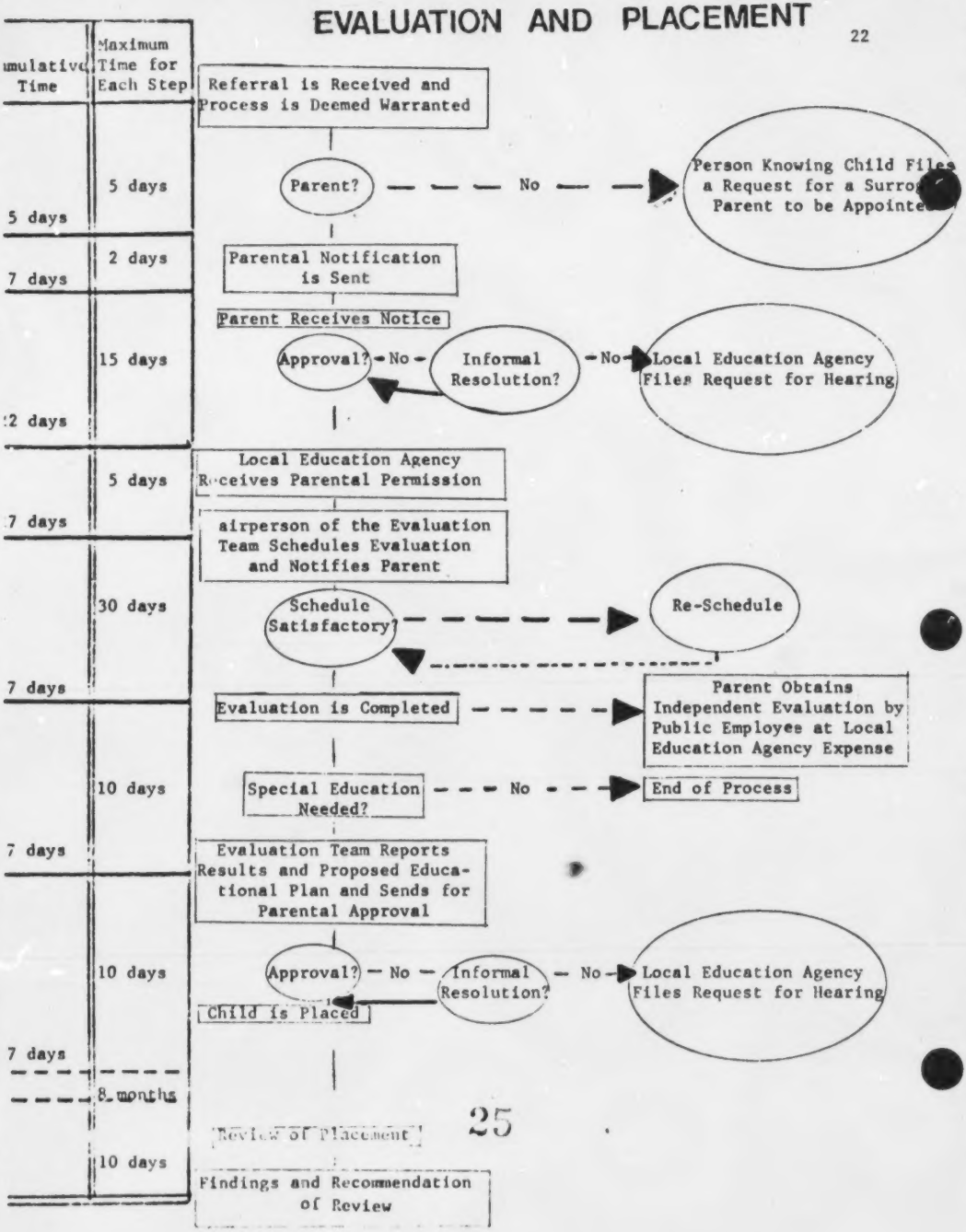
40. By January 1, 1977, the Commissioner must issue all necessary regulations for implementation of the Act.

41. The Commissioner must evaluate the impact of this Act on an annual basis and provide a full report to the Congress not later than 120 days after the close of each fiscal year.

42. The Commissioner is required to provide to the Congress and the public at least annually - and is required to update annually vital data and information on the educational personnel employed.

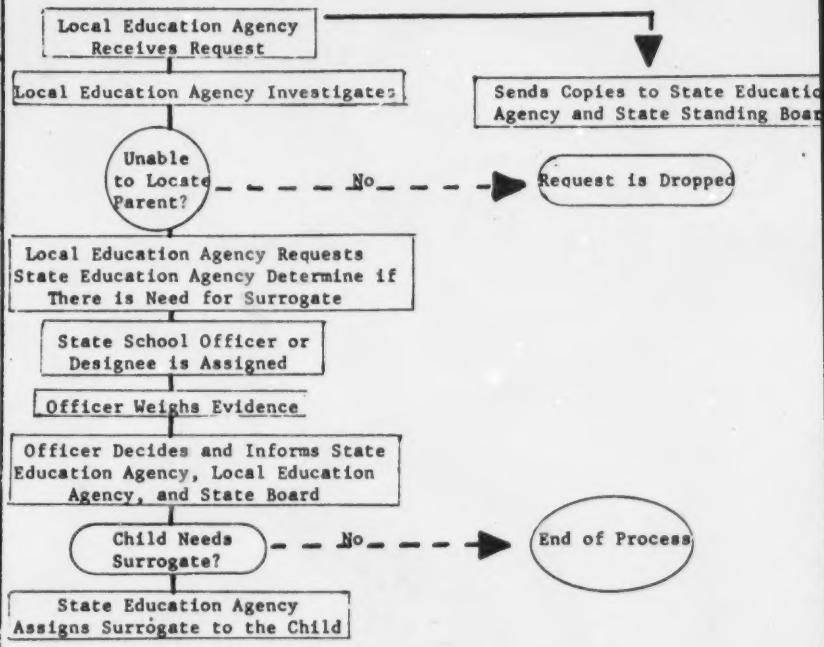
43. One per cent of the funds are targeted for the support (through the Secretary of the Interior) of American Indian handicapped children on reservations.

EVALUATION AND PLACEMENT



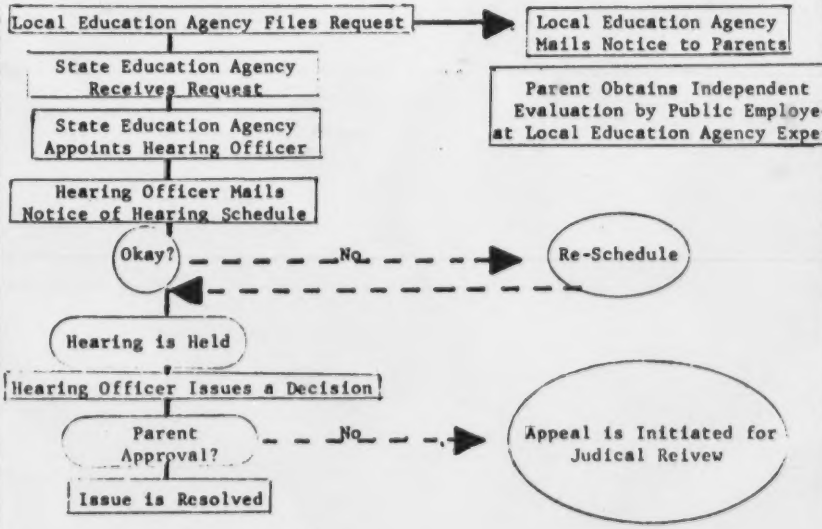
REQUEST FOR A SURROGATE PARENT

Cumulative Time	Maximum Time for Each Step
10 days	10 days
40 days	30 days


Local Education Agency Receives Request
Sends Copies to State Educatic Agency and State Standing Boar
Local Education Agency Investigates
Unable to Locate Parent?
No
Request is Dropped
Local Education Agency Requests State Education Agency Determine if There is Need for Surrogate
State School Officer or Designee is Assigned
Officer Weighs Evidence
Officer Decides and Informs State Education Agency, Local Education Agency, and State Board
Child Needs Surrogate?
No
End of Process
State Education Agency Assigns Surrogate to the Child

HEARING PROCESS

Cumulative Time	Maximum Time For Each Step
5 days	5 days
10 days	10 days
25 days	10 days
65 days	40 days
days	10 days


Local Education Agency Files Request
Local Education Agency Mails Notice to Parents
State Education Agency Receives Request
Parent Obtains Independent Evaluation by Public Employee at Local Education Agency Exper
State Education Agency Appoints Hearing Officer
Hearing Officer Mails Notice of Hearing Schedule
Okay?
No
Re-Schedule
Hearing is Held
Hearing Officer Issues a Decision
Parent Approval?
No
Appeal is Initiated for Judical Reivew
Issue is Resolved

Southwest Regional Resource Center (SRRC)
2363 Foothill Drive, Suite G
Salt Lake City, Utah 84109

LEA REQUIREMENTS

PUBLIC LAW 94-142 - THE ACT

PROPOSED REGULATION
SUMMARY

Note: It is important to note that the Southwest Regional Resource Center (SRRC) attempted to design forms that could supply the information requested in the proposed regulations of Public Law 94-142 (Federal Register, December 30, 1976). The intent of these forms and the narrative is for discussion and explanation of the proposed regulations. All agencies directly funded by the U.S. Government (in this case the SRRC) must have all forms cleared through the Office of Management and Budget (OMB). The SRRC does not intend to secure OMB's clearance or to suggest that the SEA/LEAs utilize these forms or information for other than discussion/explanation of proposed regulation requirements.

Preface:

Congress established through Public Law 94-142 a nation-wide policy of full services for the handicapped. The Act contains three sections that reflect the intent of Congress for "The Education of All Handicapped." They are (1) rights, (2) protections, and (3) funds to implement special education services.

The State are required to develop a "State Plan." In order for the State Education Agency/Department (SEA) to complete a State Plan it is necessary that they first receive the information from the Local Education Agencies/ Districts (LEA) and as applicable the Intermediate or Consolidated district. in the case of an Intermediate, they can supply the SEA with all information from the local school districts involved.

Congress established a procedure for each LEA, that qualifies, to receive 'flow-through' funding for special education programs. During the first year of the Act (FY 1978) fifty percent (50%) of the total state allocation is to flow through to LEAs. The second year and for every year thereafter sevety-five percent (75%) of the allocation is to flow through the SEA to the LEAs. The flow through of funds will not automatically occur as each LEA must submit an application to the SEA that will establish the number of children to be served and supporting documentation that is required in the Act.

The requirements of an LEA application and the components of the assurances will be discussed in the following paragraphs. It must be stated that the information that follows is from the proposed regulations which is subject to change until the regulations are printed in their final form. For convenience, the LEA requirements to qualify for Title VI-B funds are listed in a check list format. The code following the requirements will refer the reader to a specific form in the appendices that will graphically explain the information requested.

LEA REQUIREMENTS

Each of the requirements listed below is categorized into:

Action: LEA will have to compile information for the SEA in the LEA's application;

Activity: LEA will have to provide this activity internally and on-going to comply with the Act and subsequent regulations;

Assurance: LEA states that this will be a policy of the LEA and it will comply with the policy, and

Information: LEA is to be aware of the information provided in the proposed regulation.

Code	Statement from Proposed Regulations
	GENERAL
Information	Each LEA must provide satisfactory assurances that payments under this part will be used for excess costs directly attributable to programs which are for special education (see Attachment 1 for definitions), or related services (see Form 10).
Action	Each LEA will provide that all children residing within the jurisdiction of the LEA who are handicapped, regardless of the severity of their handicap (see Attachment 1), and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education services. (Form 2)
Action	Each LEA will establish a goal of providing full education opportunities to all handicapped children and establish a timetable for accomplishing the goal. (Form 4)

Action	Each local application must provide a description of the kind and number of facilities, personnel, and services necessary to meet the goal of full services. (Forms 5 and 7.)
Action	Each LEA will provide procedures for the implementation and use of the comprehensive system of personnel development established by the SEA. (Form 6.)

ASSURANCES

Assurance	Each LEA will have policies and procedures to protect the confidentiality of any personally identifiable information. (P.L. 93-380)
Assurance	Each LEA will set forth priorities for providing a free, appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.
Assurance	Each LEA will provide satisfactory assurance that in meeting the full services goal, provisions will be made for participation of and consultation with parents of handicapped children.
Assurance	Each LEA will provide satisfactory assurance that control of funds from Title VI-B and title of property derived from such funds, shall be in a public agency for the uses and purposes of this law, and that a public agency will administer such funds and property.
Assurance	Each LEA will provide satisfactory assurance that Federal funds expended by an LEA for programs under this law will be used to pay only the excess costs directly attributable to the education of handicapped children, will be used to supplement, and, to the extent practicable, increase the level of state and local funds expended for the education of handicapped children, and in no case to supplant such state and local funds.
Assurance	Each LEA will provide satisfactory assurance that state and local funds will be used in the jurisdiction of the LEA to provide services in program areas which, taken as a whole, are at least comparable to services being provided in areas of such jurisdiction which are not receiving funds under this law.

Assurance Activity	Each LEA will provide for furnishing information (which, in case of reports relating to performance, is in accordance with specific performance criteria related to program objectives), as may be necessary to enable the SEA to perform its duties under this law, including information relating to the educational achievement of handicapped children participation in programs carried out.
Information	Each LEA will provide for keeping such records, and for affording access to such records, as the SEA may find necessary to assure the correctness and verification of the information furnished.
Assurance Information	Each LEA will (1) provide for making the application and all pertinent documents related to such application available to parents, and other members of the general public, and (2) provide that all evaluations and reports requested by the SEA will be public information.
Assurance	Each LEA will provide satisfactory assurance that policies and programs established and administered by the LEA shall be consistent with the provisions of the P.L. 94-142 and its regulations.
Assurance Activity	Each LEA application will include a statement describing the specific purposes for which the funds under Part B, of the Act will be expended during the fiscal year for which the application is submitted.
Information	An SEA may require LEAs to submit a consolidated application for payment if the SEA determines that any individual application submitted by any such LEA will be disapproved because (1) the LEA's entitlement is less than the $7,500 minimum required by the Act or (2) the LEA would be unable to establish or maintain programs of sufficient size and scope to effectively meet the educational needs of handicapped children.

STUDENT EVALUATION

Activity Assurance	Each LEA will assure that a formal evaluation will be conducted before any action is taken with respect to (1) the initial placement or denial of placement of a handicapped child into a special education program, or (2) the transfer or denial of transfer to a child from a special education program to full-time regular class placement.

Information	Except as required by the re-evaluation component the LEA will not make any changes in a child's special education placement (such as changing from a self contained special class to a resource room) unless it is based on the child's current individualized education program (IEP section follows), any other information relating to the child's current educational performance, and existing formal evaluation data on the child which is not more than two years old.
Activity Information	Each LEA will assure that tests and similar evaluation materials are provided and administered in the child's native language or mode of communication, unless it is clearly documented not feasible to do so.
Information	Each LEA will assure that tests and similar evaluation materials have been properly and professionally validated for the specific purpose for which the recipient proposes to use them.
Information	Each LEA will assure that tests and similar evaluation materials are recommended by their producer for the specific purpose for which the SEA or LEA proposes to use them, and that they are administered in conformance with the instructions provided by their producer and are administered by personnel who meet appropriate certification or licensure requirements under state law.
Information	Each LEA will assure that tests and similar evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
Information	Each LEA will assure that test selection and administration is such that, when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factor the test purports to measure rather than reflecting the child's impaired sensory, manual, or speaking skills (except where such skills are factors which the test purports to measure).
Information	Each LEA will assure that no one test or type of test or means of evaluation is used as the sole criterion for placement.
Information	Each LEA will assure that information from sources other than ability or achievement tests, including information concerning physical condition, social-cultural background, and adaptive behavior in home and school, is gathered and considered and the weight given to each of these sources is documented.

Information	The LEA will assure that the interpretation of the evaluation data and the subsequent determination of the child's education placement are made by a team or group of persons knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide appropriate educational and related services.
Information	Each LEA will assure that if the information derived either from ability and achievement tests or from other sources results in a showing that the child does not, because of handicap, need instruction in a special setting, the child will not be placed outside the regular instructional setting. (Least Restrictive Environment.)
Information Activity	Each LEA will provide procedures to assure that each handicapped child's formal evaluation is conducted every three years, or more frequently whenever conditions warrant, including at the request of the child's teachers or parents.

PLANNING CONFERENCE

Information Activity	Each LEA shall establish procedures which will assure that it develops, or revises, whichever is appropriate, an individualized education program for every handicapped child at the beginning of the school year, and will then review, and if appropriate, revise its provisions periodically but not less than annually.
Activity Information	Each LEA will be responsible for initiating and conducting the individualized planning conferences.
Activity Information	Each LEA will assure that for handicapped children currently receiving special education and related services, the individualized planning conference must be conducted as soon as possible after the beginning of each school year, but not later than the first thirty days of attendance by the child.
Information	The LEA will assure that for all other handicapped children, the individualized planning conference must be conducted within thirty days of the formal determination of the child's eligibility for special education and related services.
Activity Information	Each LEA will assure that the participants at the individualized planning conference must include a representative of the agency, the child's teacher or teachers, one or both parents and, where appropriate, the child. This is a minimum of participants, others may be included as deemed necessary.

PARENT PARTICIPATION

Activity Information — Each LEA shall take steps to assure that the parents of the handicapped child are present at the individualized planning conferences or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place.

Activity Information — Each LEA will assure that in cases where it is not possible or practical for the parent to attend, other alternatives to assure parental participation must be attempted, including individual or conference telephone calls.

Information — Each LEA may have a planning conference without the parent being in attendance only if: (1) the parent furnishes a written waiver of his or her right to participate, in accordance with due process procedures, or (2) there is sufficient documentation of attempts to arrange a mutually agreed upon time and place, such as (i) detailed records of telephone calls made or attempted and the results of such calls, (ii) copies of correspondence sent to the parents and any responses received, and (iii) detailed records of visits made to the parent's home or place of employment and the results of such visits.

Information Activity — Each LEA will assure that if a parent has a communication barrier, such as deafness or English not being the primary language, the LEA will provide an interpreter or take whatever action is necessary to assure that the parent understands the proceedings.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Activity Information — Each LEA will assure that the IEP contains:

(1) a statement of the child's present levels of educational performance;

(2) a statement of annual goals, which describe the expected behavior to be achieved through the implementation of the child's IEP;

(3) a statement of short-term instructional objectives;

(4) a statement of specific educational services to be provided to the child, including a description of:

a. all special education and related services, which are required to meet the unique needs of the child, (regardless of availability of funds or staff)

b. any special instructional media and materials to be provided, and

c. the type physical education program in which the child will participate;

(5) a description of the extent to which the child will be able to participate in regular education programs;

(6) the projected date for initiation and anticipated duration of the services; and

(7) appropriate objective criteria, evaluation procedures, and schedules for determining at lease on an annual basis, whether the instructional objectives are being achieved.

DUE PROCESS/HEARINGS

Assurance Activity — Each LEA will assure that any parent or an LEA may initiate a hearing on any of the following matters: proposes or refuses to initiate or change the identification, evaluation or educational placement of the child or the free appropriate public education provided to that child.

Information — Each LEA will conduct a hearing by procedures that are established by statute, regulation or written policy of the SEA.

Information — Each LEA will assure that the hearing is not conducted by (1) an employee of the SEA or LEA who is involved in the education or care of the child, or (2) any person having a personal or professional interest which would conflict with his or her objectivity in the hearing. A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

Information — Each LEA will assure that any party to a hearing has the right to:

(1) be accompanied and advised by counsel and by individuals with respect to the problems of handicapped;

(2) present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) obtain a written or electronic verbatim record of the hearing; and

(4) obtain written findings of fact and decisions.

Information Each LEA will assure that any decision made in a hearing conducted, unless a party in the hearing appeals, is final.

Information Each LEA will assure that each hearing and review is commenced and completed as quickly as possible, consistent with fair consideration of the issues involved, but not later than 45 days after receipt of a complaint, unless the parties agree to an extension. The hearing is to be conducted at a time and place which is reasonably convenient to the parents and child involved.

Information Each LEA will assure that during the pendency of any administrative or judicial proceeding regarding a complaint, unless the State or LEA and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement. If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

SURROGATE PARENTS

Information Each LEA shall insure that the rights of a child are protected when the parents of the child are not known, unavailable, or the child is a ward of the State, including the assignment of an individual to act as a surrogate for the parents. This must include a method (1) for determining whether a child needs a surrogate parent, and (2) for assigning a surrogate parent to the child.

Information Each LEA shall assure that a person selected as a surrogate has no interests that conflict with the interests of the child he or she represents but has knowledge and skills that assure adequate representation of the child.

Information Each LEA shall assure that a person assigned as a surrogate is not an employee of the SEA or LEA which is involved in the education or care of the child. A person who otherwise qualifies to be a surrogate parent is not considered an employee of the LEA solely because he or she is paid by the LEA to serve as a surrogate.

Information Each LEA shall assure that the surrogate may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and in the provision of a free appropriate public education to the child.

CONFIDENTIALITY

Assurance	Each LEA shall permit parents to inspect and review any personally identifiable information related to their children which is collected, maintained, or used by the LEA under this part. The LEA shall comply with a request without unnecessary delay and before any hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.
Assurance	Each LEA will assure that the parents have the right upon a reasonable request for explanations and interpretations of the information and a right to request copies of the records containing the information.
Information	Each LEA may charge a fee for copies of records which are made for the parents under this Act if the fee does not effectively prevent the parents from exercising their right to inspect and review these records. The LEA may not charge a fee to search for or to retrieve information.
Activity	Each LEA shall keep a record of parties obtaining access to information collected, maintained, or used (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given and the purpose for which the party is authorized to use the information.
Assurance	Each LEA may presume that the parent has authority to inspect and review information relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
Activity	Each LEA shall provide parents on request a list of the types and locations of information collected, maintained, or used by the LEA.
Activity	Each LEA will assure that if any record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

Assurance — Each LEA will assure that any parent who believes that information collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the child, they may request the participating agency which maintains the information to amend the information.

Activity — Each LEA shall decide whether to amend the information in accordance with the request within a reasonable period of time of the request or if the LEA decides to refuse to amend the information in accordance with the request it shall inform the parent of the refusal, and advise the parent of the right to a hearing.

Activity — Each LEA shall on request provide an opportunity for a hearing to challenge information to insure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

Assurance — Each LEA will assure that if, as a result of the hearing, the LEA decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of right to place in the records it maintains on the child a statement commenting on the information, or setting forth any reasons for disagreeing with the decision of the agency. Any explanation placed in the records of the child under this section must be maintained by the agency as part of the records of the child as long as the records or contested portion is maintained by the agency and if the records of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

Assurance — Each LEA will assure that the parental consent must be obtained before personally identifiable information is disclosed to anyone other than official or participating agencies collecting or using the information.

Assurance — Each LEA will assure that it will protect the confidentiality of information at collection, storage, disclosure, and destruction stages.

Activity — Each LEA will assure that one official at each participating agency shall assume responsibility for insuring the confidentiality of any personally identifiable information and that all persons collecting or using personally identifiable information must receive training or instruction regarding the SEA policies and procedures. Each LEA shall maintain, for public inspection, a current listing of the names of those employees within the agency who may have access to personally identifiable information.

Activity Assurance	Each LEA will assure that all personally identifiable information collected, maintained, or used must be destroyed within five years after the information is no longer needed to provide educational services to the child. However, a permanent record of student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitations.
Assurance Activity	Each LEA will assure that before destruction of data, reasonable efforts must be made to notify parents that they have the right to a copy of any information which has been collected, maintained or used.

LEA PERSONNEL DEVELOPMENT PLAN

Assurance	Each LEA will assure that it will identify areas of training and assign priorities to those areas. It will identify the target populations for personnel development, including general education and special education instructional and administrative personnel, support personnel and other personnel (such as paraprofessionals, parents, parent surrogates, and volunteers).
Action	Each LEA will assure that it will identify programs of preservice and inservice training of instructional skills, attitudes, information and interdisciplinary procedures that are essential to meet the purposes of the Act.
Activity	Each LEA will provide for the use of local resources in personnel development activities.
Action	Each LEA will assure that it will describe the training of special education instructional and support personnel and regular education personnel during the current school year, including steps that must be taken to insure that all personnel needed to meet the full educational opportunity goal will be appropriately and adequately trained and prepared.

HOW TO LOOK AT YOUR STATE'S PLANS FOR EDUCATING HANDICAPPED CHILDREN

prepared by: The Children's Defense Fund

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Fall 1975

HOW TO LOOK AT YOUR STATE'S PLANS FOR EDUCATING HANDICAPPED CHILDREN

INTRODUCTION

A recent federal law* requires your state to provide an appropriate education for all the handicapped children in the state. No child who needs a special program to enable him/her to get a free public education can be denied that program. The law applies to and protects two broad categories of children:

1) handicapped children who are out of school and not receiving educational services, and handicapped children who are enrolled in school but who are receiving programs and services which are inadequate to meet their needs;

and 2) especially poor and minority children who have been placed in special classes, but who are not really handicapped and therefore should be educated in regular classes.

This pamphlet will describe the law, state and local responsibilities under the law, and how parents can get involved in protecting the rights of their children under the law.

During the past few years, as a result of new state laws and court suits requiring education for handicapped children, more and more children who have some kind of physical, mental or emotional problem which affect their learning have started to attend school, or have been given special help in the schools which they do attend. But there are still many children - some say nearly 48% of the handicapped children in the nation - whom local school districts have not given any or the appropriate educational services. Furthermore, many handicapped children who are attending school are receiving programs and services which do not meet their special educational needs.

Teachers often have great difficulty teaching in classrooms where there are many different types of children. The children who present teaching problems are often labelled as "handicapped" or "disturbed" and removed from regular classrooms. In many instances these "disturbing" or "problem" children have actually been suspended from school. But sometimes they are placed in separate classes with

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* The Education of the Handicapped Act, Part B (hereafter EHA-B), as amended by Public Law 93.380 (The Education Amendments of 1974).

children whose learning problems are much more severe. One way in which children have been misplaced in these classes is on the basis of tests which are known to discriminate against poor and minority children, or on the basis of a teacher's subjective judgment. These are the kinds of situations which the new federal law is designed to correct.

Under the new law, parents have a right to challenge the way their child is receiving (or not receiving) an education, and can challenge the way in which a local school district - and the state - are carrying out their responsibilities under EHA-B.

STATE AND LOCAL RESPONSIBILITIES

EHA-B requires states, through their state departments of education, to establish procedures which will correct the kinds of situations described above. According to the law, no state should receive its EHA-B funds until appropriate procedures are developed and set forth in their "state plan." Attachment A shows how much federal money each state received under EHA-B during the 1974-75 school year. Last year's allotment for each state should be approximately what each state receives again this year.

Since every state in the nation has accepted their federal funds under EHA-B, every state is responsible to fulfill the requirements of the law at both the state and local levels. Even if your state submits an extremely weak implementation plan to the federal government, and it is approved, still, all the requirements of the federal law apply to the local school system as well. In addition, the State has the responsibility to watch local school districts very closely to see that they carry out the law. The Act requires that states enforce the new educational rights of handicapped children in every school district, not only in those receiving EHA-B funds.

THE FEDERAL ROLE - WHICH AGENCY ADMINISTERS EHA-B AND HOW DO THEY DO IT?

The Bureau for Education of the Handicapped (BEH) in the Office of Education (in the Department of Health, Education and Welfare) administers EHA-B in addition to other programs which provide funds for the education of handicapped children, the training

of teachers of handicapped children or other related services. BEH has the responsibility of approving state plans and their amendments which each state must submit before receiving EHA-B funds to run programs. To aid states in the process of developing plans which conform to the law, BEH has developed suggested guidelines. BEH not only works with each state department of education to develop a good plan, but also is expected to make sure that EHA-B funds are spent correctly. Approval of a state's plan by BEH is supposed to be withheld until the plan and its implementation meet all the standards set out in the Act.

WHAT IS A STATE PLAN; HOW OFTEN IS IT SUBMITTED TO BEH?

A state plan is a detailed document which each state department of education must develop to show the federal government that the state will comply with all the requirements of the law. In order to comply with amendments to EHA-B passed in 1974, states were required to amend their existing plans (for the 1974-75 school year) to reflect the new procedural safeguards guaranteed to handicapped children. The 1974 amendments to EHA-B have also required additional changes for the 1975-76 school year. States have ongoing responsibility to implement and adhere to both sets of requirements even though state plans for 1975-76 do not need to repeat assurances from the previous year's plan amendment.

Amendments to the state plan for the 1974-75 school year (fiscal year 1975) were submitted to and approved by BEH in the Spring of 1975. It is extremely important to make sure that these plans are being implemented NOW in your state.

The additional amendments to the state plan for the 1975-76 school year (fiscal year 1976) were due, according to the law, on August 21, 1975. However, most states are still in the process of developing their "'76 state plans." Parents have a right to participate in the development of these plans and to make comments to their state departments of education. See Attachment B for addresses of departments of special education in the State Department of Education in your state.

WHAT ARE THE REQUIREMENTS UNDER THE '75 AND '76 PLANS?

A. '75 State Plan Amendments

1. Full Services Goal

Each state must establish a goal of providing all handicapped children with "full educational opportunities." The state must show how it will assure that the money it receives under this Act is spent to accomplish this goal. EHA-B requires that the first priority within this goal must be to provide appropriate educational services for children presently receiving no educational services whatsoever. In its guidelines, BEH has interpreted this priority to mean that each state must spend over 50% of its EHA funds for this purpose. The other 50% can be spent, according to BEH, to continue projects previously funded with EHA-B funds, and to provide appropriate services to handicapped children who are already in school but are not now getting the kinds of services which would be best for them.

The BEH guidelines encouraged states to set a target date by which they would reach the full services goal. In their '75 state plan amendments some states, like Colorado, said they would provide full educational services to handicapped children by July 1, 1975, a goal which we believe is appropriate and feasible. Unfortunately, other states like Mississippi do not promise full services until 1985. Some states did not include any target date at all in their plans, but BEH gave them their money anyhow.

Your state's plan for '75 should show how the state intends to reach the goal of providing full educational services to every handicapped child in the state. The state could choose one of a variety of approaches. For example, your state could decide to require all local school districts to identify and evaluate all handicapped children during the 1975-76 school year, purchase equipment and provide teacher training for regular classroom teachers who may have handicapped children in their classrooms and start serving the few children who must be in separate classrooms in the 1976-77 school year and, in the 1977-78 school year, provide regular classroom and resource room programs for those handicapped children who can function in them.

States may adopt any number of methods to reach the full services goal, but they must choose some plan, and they must be urged to reach full services on a short timetable.

You should ask your state department of education how it plans to use its funds - federal, State and local - to make sure that all handicapped children are provided appropriate educational services. Also ask your local school officials how they plan to spend the money available to them and how they are phasing in all the needed programs and services for handicapped children to meet the goal and plans set out by the state's plan.

2. Due Process Safeguards

There is a section in your state's plan which outlines the process which parents can use to challenge many decisions made regarding the education of their child. If a parent does not agree with the way his/her child has been identified or evaluated to need special services, or if a parent disagrees with what the school says his/her child's special needs are, or if a parent thinks his/her child should have a different kind of educational program, then the parent can use this process.

Under this requirement, children and their parents are entitled to at least the following procedures:

-- prior notice: The local school district must supply, in writing, notice to parents before the child is given any formal testing, informal assessment or observation, and before any change can be made in a child's classes or educational program. This notice should include a full explanation of the nature and implications of the proposed method of evaluation or program change, and should request parent's permission, in writing, for the child to be evaluated or placed in a special program. Parents should not be asked for written permission for a child's placement before the evaluation/testing has been performed and parents have been informed of the results.

-- impartial due process hearing: If a parent does not agree with a decision made about the child's classes or instructional program, he/she may request a hearing with an impartial hearing officer whom the local school district usually appoints. The school district must provide such a hearing if it is requested. The hearing officer should be independent of the immediate school district and have no personal interest in the outcome of the hearing. Parents may appeal the decision of the hearing officer through whatever appropriate administrative or judicial procedure the state has provided. Parents further have the right to look at all the child's school records which may have information about the manner and the re-

sults of an evaluation of a child, or any other information related to the child's educational placement. Parents have a right to get an independent evaluation of their child if the evaluation done by the school district is not satisfactory. The results of this outside evaluation may be used in the impartial due process hearing.

-- surrogate parents: If the child's parents or guardian are not known or are unavailable or if the child is a ward of the state, the state must appoint someone to serve as a parent would to protect the child's rights in any of the decisions mentioned above.

3. "Mainstreaming"

Each state must establish procedures to assure that, to the extent possible, every handicapped child is educated in the same setting as other children who are not handicapped. All handicapped children should be provided special educational programs and services to meet their needs in a regular classroom except in those situations -- and situations of this sort should be the exception -- where extra aids and services in the regular class cannot be achieved satisfactorily.

4. Non-Discriminatory Testing and Evaluation

Each state must establish procedures to assure that the tests and other materials used to evaluate a child's special needs are selected and administered in a way which will not be biased either racially or culturally.

There are several questions one should ask to determine whether tests are chosen or administered in a non-discriminatory manner:

-- do the people selecting the testing materials reflect the racial and ethnic diversity of the school population which will be evaluated with these materials?

-- are the tests being used for the purposes for which they were designed and as explained in their "instructions for usage"?

-- are tests administered on an individual or group basis? for the purposes of designing an individual educational program, tests given on an individual basis have been shown to be necessary to reduce discriminatory results.

-- is more than one test and/or evaluation technique used to determine the educational placement of the child? The greater variety of evaluation techniques used, the more likely that the results of the assessment will be comprehensive and uncover the variety of needs which any child has. The use of single tests or few evaluation techniques have repeatedly been found to produce unreliable and discriminatory results.

-- do the tests used result in a disproportionate number of minority or poor children being placed in special classes?

-- are the tests used given to a child in the child's primary language?

B. '76 State Plan Amendments

This year states must amend their state plans to set out in detail the steps they will take to:

-- identify and evaluate all children with special needs in the state

-- provide special education services to those children who need them.

These new state plan components are in addition to the ongoing procedural safeguard components which states should have adopted in '75.

Your state should be developing the new state plan components now and the proposed plans made available for public comment should be carefully analyzed. Look for how the state and local school districts will do the following things:

(1) make parents and others in the community aware that all handicapped children have the right to receive educational services, that there is a need for appropriate special educational programs, what services are presently available, and where parents can go to get information about handicapping conditions.

Your state may develop any combination of ways to make people aware -- newspaper, television and radio announcements; a widely-advertised travelling seminar series; pamphlets and brochures distributed by community groups and local public agencies; and counseling sessions sponsored by mental health centers, early childhood development centers, or public health and welfare agencies.

(2) identify and locate children with special educational needs.

Again, your state has many options and alternatives from which it could chose any combination -- a special door-to-door census of all school-age chil-

dren; screening of all kindergarten and first grade children; coordination with the Early and Periodic Screening, Diagnosis and Treatment Programs sponsored by County Health Departments; information booklets for parents to explain some of the easy ways to observe specific handicaps and/or learning problems in their own children; compulsory screening for vision and hearing problems; or systematic referrals among all the public health, education, and welfare agencies in each local area.

(3) provide a comprehensive diagnosis and evaluation of every child before he or she is placed in any special education program.

The state should develop specific procedures for comprehensive evaluations, detailing exactly what kind of multi-disciplinary team (which should reflect the variety of professional and non-professional adults who work with children) should do the evaluating; what kinds of tests, materials and instruments/procedures are appropriate to detect specific suspected handicapping conditions; and timetables showing the appropriate amount of time any evaluation process should take. Be sure that your state's procedures show how due process safeguards will apply at this stage of child identification as well as how (and what) efforts will be made to use an evaluation process which does not discriminate against any child on the basis of ethnic, racial or cultural differences.

(4) provide special educational services to all those children identified and evaluated as handicapped and in need of special educational services.

Another section of your state's plan should show the numbers of personnel (both instructional and non-instructional staff), facilities, equipment and services needed to achieve full educational programs/services for all the children who have been evaluated as in need. The plan may describe

state plan amendments are strong and cover the areas required by the law.

Parents should also ask to see a copy of the plan for '75 which was submitted to BEH last spring. Most states already provide educational services to handicapped children under their own state laws and/or administrative rules. In many states, however, the provisions of EHA-B are more far-reaching than the state's own laws and guidelines. Parents should be sure to compare what the state says it will do in its state plan with what its requirements are under state law. If EHA-B requirements are stronger in mandating services and safeguards, then parents should pressure the state department of education to make sure its guidelines under the state law reflect the new requirements of the federal law. If the existing state plan is inadequate, put pressure on the state department of education to amend its plan to conform to federal law.

Remember: the requirements of the federal law (EHA-B) apply to all handicapped children, not just children participating in programs using EHA-B funds.

Make sure the state's plan requires that fair and impartial hearings will be provided. Then go to the local school district and see if it has established hearing procedures. Are these procedures written, and have they been distributed to parents throughout the school district? Is the school district actually giving hearings? How many hearings have been held?

Find out whether other groups have seen the '75 and '76 state plans and what their positions are. How does your local school district see its role in implementing the state plans? Has the superintendent of your local school district seen the plan, been involved in developing it, made comments on it? Does your local superintendent expect to receive any EHA-B funds for the 1975-76 school year? How will those funds be used? Has the school district set forth any procedures to involve parents in planning, developing, or operating the programs which will be supported by these funds? How does your local superintendent plan to identify, evaluate, and provide educational services for handicapped children in your school district? Does his plan conform with the state's plan?

What are other local, regional or state organizations such as the Association of Retarded Citizens, the Council for Exceptional Children, the League of Women Voters, the NAACP and Urban League or any other group saying or doing with regard to the state's plans for handicapped children? You can bring all the active organizations together, develop a position on the plan and communicate that position to the State Department of Education. Ask the State Department of

the continuum of services from regular classes with supplementary aids and services to resource rooms where children go for a small portion of the school day for extra specialized help, to self-contained classrooms specifically for the few handicapped children who absolutely cannot be accommodated in the regular classroom. Your local school system should be able to tell you exactly which of these programs are available to children within their district and approximately how many children with what kinds of handicaps are receiving each specific kind of service. Furthermore, the school district should tell you how each handicapped child in the district will be provided educational services by a certain date.

Due process safeguards and procedures to protect the confidentiality of handicapped children should be clearly stated in your state's plan.

(5) regular re-assessment of a child's educational placement and a mechanism for changing or modifying the child's educational program if necessary.

Throughout your state's plan, the state should indicate which agency and office within the agency has primary responsibility for each aspect of the child identification, evaluation and placement process. The plan should show how many people will be assigned to each component as well as the facilities, equipment, materials, and finances necessary to plan and implement the whole child identification process. Look for specific timetables which the state has set forth to see if the plan can be accomplished more quickly so that more children can get the services they need at an earlier date.

HOW CAN PARENTS HAVE AN IMPACT ON THEIR STATE'S PLAN?

The EHA requires that states' '76 plan amendments must be available to parents and other members of the public at least 30 days before the plan is sent to BEH in Washington. The deadline for submission of the '76 amendments to BEH was to have been August 21, 1975. But BEH postponed this deadline and no firm date for submission has been set. Therefore, parents should start asking immediately to see the state's plan since the state department of education is probably working on it right now. Be sure that the

Education to hold a public meeting in your school district so they can hear the views of parents and concerned organizations.

Help other parents learn what their rights are and what the rights of their handicapped children are. Find out exactly what your local school district's process is if a parent wants a hearing to challenge a decision about the educational program being provided to his/her child. Use the procedures available. Make sure that your local school district has a written hearing procedure which is widely publicized.

HOW WILL THE PLANS BE ENFORCED? WHAT ROLE CAN PARENTS PLAY IN ASSURING THAT THE STATE AND LOCAL SCHOOL DISTRICTS COMPLY WITH THE LAW?

Once the state plans go into effect (the '75 state plan is already in effect; the '76 state plan will be in effect after it has been submitted to BEH and approved) parents will need to monitor both the state and local district to see if each one is doing what it said it would do in the state plan. Request to see your state plan. For a general description of all the EHA-B programs in your state, see the "projected activities report" on file with your state department of education, special education division. Begin to ask questions about the plans and the projected activities reports -- and keep a record of the answers. Is the state following its plan? Is it meeting its deadlines? Who was involved in each stage of the implementation -- were parents or representatives of handicapped children? Who was involved in selecting evaluation tests and materials? Are the tests used unbiased or are a disproportionately high number of minority children being placed in special programs? When the state and local school districts tried to find children who were out of school or were not receiving educational services, which children did they find -- and how many? What has happened to those children? Were there any children in your local school district who had not been receiving educational services? What did the Superintendent do for them? Have any hearings been held in your local school district? If not, why not? If so, how many, and what have the outcomes been?

There are many, many more questions which parents will want to ask. Keep track of the information you find out. If you find any situation which you think violates the state plan or the law, complain through a letter to your State Department of Education and to BEH. (See Attachments B and C-1 for name and address of official to write.) Even though BEH is short of staff and may not come investigate your complaint quickly, they should be continually advised of how the law is being following - and the more they hear from you, the more carefully they will have to watch the states.

The Office for Civil Rights in HEW has recently given guidelines to the states regarding "identification of discrimination in the assignment of children to special education programs."

If you find that handicapped children are being discriminated against on the basis of their race, national origin or sex, send a complaint to the Office for Civil Rights in HEW (see Attachment C-2 for name and address of official to write).

ATTACHMENT A

DISTRIBUTION OF FUNDS UNDER PART B,

EDUCATION OF THE HANDICAPPED ACT

		FY 1975	FY 1976
	TOTALS	*49,984,194	100,000,000
1.	Alabama	1,689,600	1,688,191
2.	Alaska	297,224	300,000
3.	Arizona	900,418	996,374
4.	Arkansas	907,955	918,922
5.	California	9,279,132	9,362,505
6.	Colorado	1,142,175	1,190,661
7.	Connecticut	1,387,278	1,394,136
8.	Delaware	345,491	300,000
9.	District of Columbia	363,419	311,121
10.	Florida	3,068,037	3,213,602
11.	Georgia	2,292,399	2,323,561
12.	Hawaii	418,582	416,141
13.	Idaho	399,275	379,384
14.	Illinois	5,148,004	5,138,089
15.	Indiana	2,517,875	2,520,472
16.	Iowa	1,332,112	1,327,186
17.	Kansas	1,042,837	1,033,131
18.	Kentucky	1,553,534	1,554,291
19.	Louisiana	1,895,910	1,900,856
20.	Maine	477,343	483,091
21.	Maryland	1,910,231	1,941,551
22.	Massachusetts	2,614,164	2,626,805
23.	Michigan	*4,399,160	4,435,769
24.	Minnesota	1,889,037	1,895,605
25.	Mississippi	1,157,947	1,165,719
26.	Missouri	2,145,536	2,148,965
27.	Montana	385,484	353,129
28.	Nebraska	693,305	711,508
29.	Nevada	334,459	300,000
30.	New Hampshire	342,379	366,256
31.	New Jersey	3,235,127	3,264,800
32.	New Mexico	551,868	574,983
33.	New York	7,940,709	7,921,110
34.	North Carolina	2,495,845	2,503,407
35.	North Dakota	364,798	313,746
36.	Ohio	5,067,693	5,048,822
37.	Oklahoma	1,177,989	1,186,722
38.	Oregon	981,197	996,374
39.	Pennsylvania	5,247,590	5,216,853
40.	Rhode Island	430,827	431,893

* Reflects amount remaining after .00358 ($4,414,996 - $15,806) withheld because of Civil Rights non-compliance (for failure to desegregate schools in Ferndale, Michigan as required under Title VI of the Civil Rights Act of 1964).

		FY 1975	FY 1976
41.	South Carolina	1,350,514	1,358,692
42.	South Dakota	373,762	330,812
43.	Tennessee	1,850,935	1,858,848
44.	Texas	5,578,170	5,663,187
45.	Utah	593,015	611,740
46.	Vermont	317,220	300,000
47.	Virginia	2,264,504	2,294,680
48.	Washington	1,602,452	1,591,048
49.	West Virginia	796,267	787,648
50.	Wisconsin	2,181,611	2,190,973
51.	Wyoming	288,950	300,000
52.	American Samoa	150,000	150,000
53.	Guam	150,000	150,000
54.	Puerto Rico	1,341,899	1,566,542
55.	Trust Territory	150,000	150,000
56.	Virgin Islands	150,000	150,000
57.	BIA	970,950	390,099

Source: U.S. Office of Education, Bureau of Education for the Handicapped, July 1, 1975.

ATTACHMENT B

SPECIAL EDUCATION DEPARTMENTS

IN YOUR STATE EDUCATION AGENCY

(Updated as of 3/76)

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ıief Consultant & Supervisor
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ate Department of Education
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ch Ford Education Building
ttle Rock, Arkansas 72201
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. Robert E. Hall, Chief
vision of Continuing Education
reau of Indian Affairs
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. Leslie Brinegar, Associate Superintendent
ief, Special Education Support Unit
ate Department of Education
cramento, California 95814
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. David Crawford, Director
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ATTACHMENT C

C-1

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C-2

Peter Holmes
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STATE STATUTORY RESPONSIBILITIES FOR THE EDUCATION OF HANDICAPPED CHILDREN

July 1, 1975

This chart was prepared by The Development and Evaluation of State and Local Special Education Administrative Policy Manuals Project of the State-Federal Information Clearinghouse for Exceptional Children of the Council for Exceptional Children

STATE	TYPE OF MANDATION	DATE OF PASSAGE	COMPLIANCE DATE	AGES OF ELIGIBILITY	CATEGORIES EXCLUDED
[redacted]	Full Planning and Programming	1971	1977	6-21	Profoundly Retarded
Alaska	Full Program	1974		From age 3	
Arizona	Selective Planning and Programming	1973	9/76	5-21	Emotionally Handicapped
Arkansas	Full Planning and Programming[1]	1973	9/79	6-21	
California	Selective			6-18[2]	"Educationally Handicapped" (Emotionally Disturbed, Learning Disabled)
Colorado	Full Planning and Programming	1973	7/75	5-21	
Connecticut	Full Planning and Programming	1966		4-21[3]	
Delaware	Full Program "Wherever Possible"			4-21	Severely Mentally or Physically Handicapped
District of Columbia	No Statute. Court Order: Full Program	1972	1972	From age 6	
Florida	Full Program		1973[4]	3-no maximum (13 yrs. guaranteed)	
Georgia	Full Planning and Programming	1968	9/75	3-20	
Hawaii	Full Program	1949		5-20	
Idaho	Full Program[5]	1972[5]		Birth-21	
Illinois	Full Program	1965	7/69	3-21[6]	
Indiana	Full Planning and Programming	1969	1973	6-18[7]	
Iowa	Full Program "If Reasonably Possible"	1974		Birth-21	
Kansas	Full Planning and Programming	1974	1979[8]	Developmentally Disabled: Birth-21	
Kentucky	Planning and Programming (Petition for Trainable Mentally Retarded only)	1970 1962	1974	9 6-21	Other than TMR
Louisiana	Court Order - Orleans Parish only: Selective for Mentally Retarded, Otherwise, Mandatory	1972	1972	3-21[10]	Other than Mentally Retarded
Maine	Full Planning and Programming	1973	1975[11]	5-20	
Maryland	Full Planning and Programming	1973	1979[12]	13	
Massachusetts	Full Planning and Programming	1972		3-21	
Michigan	Full Planning and Programming	1971	9/73	Birth-25	
Minnesota	Full Program	7/72[14]	14	4-21, except MR (5-21) and ED (6-21)	
Mississippi	Permissive			Birth-21	
Missouri	Full Planning and Programming	1973		5-21	
Montana	Full Program[15]	1974	7/79	6-21	
Nebraska	Full Planning and Programming	1973	10/76[16]	5-18	
Nevada	Full Program	1973		5-18[17]	
New Hampshire	Full Program			Birth-21	
New Jersey	Full Program	1954[18]		5-20	
New Mexico	Full Planning and Programming	1972	9/76	6-21[19]	
New York	Full Program	1971	1973	5-21	Profoundly Retarded
North Carolina	Full Planning	1974	20	Birth-Adulthood[21]	
North Dakota	Full Planning and Programming	1973	7/80[22]	5-21[3]	
Ohio	Permissive			Birth-21	Other than crippled or Educable Mentally Retarded, Deaf, Blind, Partial hearing or vision
	Selective Planning	1972	1973	23	Trainable or Profoundly Mentally Retarded
Oklahoma	Full Program	1971	9/70	4-21[24]	
Oregon	Full Program	1973		FMR: 6-21 Others: Birth-21	
Pennsylvania	Court Order: Selective (Mentally Retarded Only)	1972	9/72	6-21[25]	Other than mentally retarded
	Full Planning and Programming	1956	1956	6-21	
Rhode Island	Full Program		1964[26]	3-21[26]	
South Carolina	Full Planning and Programming	1972	1977	6-21[27]	
South Dakota	Full Program	1972		Birth-21	
Tennessee	Full Planning and Programming	1972	9/74[2]	4-21	
Texas	Full Program[28]	1969	9/76[28]	3-21	
Utah	Full Program	1969		5-21	
Vermont	Full Program[29]	1972		Birth-21	
Virginia	Full Planning	1972	30	2-21	
Washington	Full Program	1971		6-21[31]	
West Virginia	Full Program	1974	1974	5-21[32]	
Wisconsin	Full Planning and Programming	1973	8/74	3-21	
Wyoming	Full Program	1969		6-21	

[1] Current statute is conditional. 5 or more similarly handicapped children in district. However, a 1973 Attorney General's opinion stated that the law mandating full planning and programming was effective July, 1973. If the state activates a kindergarten program for 5-year-old children, ages of eligibility will be 5-21.
[2] Permissive for children 3-21, except MR. 5 yrs. 8 mos.-21.
[3] 5-21 for hearing impaired. Lower figure applies to age of child as of Jan. 1 of the school year.
[4] 1973 law did not include profoundly retarded; however, a 1974 amendment brought these children under the provisions of the mandatory law. Compliance date for full services to these children is mandated for 1977-78.
[5] Earlier (1963) law was mandatory for all handicapped children except Trainable Mentally Retarded.
[6] 5-21 for speech defective.
[7] Permissive 3-5 and 19-21.
[8] "Developmentally Disabled" means retardation, cerebral palsy or epilepsy. For other disabilities, the state board is to determine ages of eligibility as part of the state plan. Compliance date is 7/1/74 for DD programs.
[9] Permissive: 3-6.
[10] Residents over age 21 who were not provided educational services as children must also be given education and training opportunities.
[11] In cases of significant hardship the commissioner of education may waive enforcement until 1977.
[12] Court order sets deadline in Sept., 1975.
[13] Services must begin as soon as the child can benefit from them, whether or not he is of school age.
[14] Date on which Trainable Mentally Retarded were included under the previously existing mandatory law.
[15] Statute now in effect is selective and conditional: at least 10 Educable Mentally Retarded, 7 Trainable Mentally Retarded, or 10 physically handicapped in school district. *Full* mandation becomes effective 7/1/79.
[16] Acoustically handicapped: 10/1/74.
[17] Aurally handicapped and visually handicapped: birth-18.
[18] Date of original mandatory law, which has since been amended to include all children.
[19] Child must be 6 years old by Jan. 1 of school year.
[20] Implementation date to be specified in preliminary state plan to be submitted to 1975 General Assembly.
[21] Deaf: to age 18, or to age "if need exists."
[22] All children must be served as soon as they are identified as handicapped.
[23] Deaf children to be served at age four.
[24] 3-21 for blind, partially blind, deaf, hard of hearing.
[25] When programs are provided for pre-school are children they must also be provided for mentally handicapped children of the same age.
[26] For mentally retarded or multiply handicapped. Others, as defined in regulations. Compliance date established by regulations.
[27] 4-21 for hearing handicapped.
[28] The Texas Educational Agency is operating under the assumption that the law is mandatory, and has requested an opinion from the state Attorney General on this question. Compliance date is as established by state policy if the law does not specify a compliance date.
[29] Within the limits of available funds and personnel.
[30] 9/1/76 established by regulations.
[31] Permissive below 6 years.
[32] Permissive 3-4.

Definition of the kinds of mandatory legislation used by states:

Full Program Mandate:	Such laws require that programs must be provided where children meet the criteria defining the exceptionality.
Planning and Programming Mandate:	This form includes required planning prior to required programming.
Planning Mandate:	This kind of law mandates only a requirement for planning.
Conditional Mandate:	This kind of law requires that certain conditions must be met in or by the local education district before mandation takes effect (this usually means that a certain number of children with like handicaps must reside in a district before the district is obliged to provide for them).
Mandate by Petition:	This kind of law places the burden of responsibility for program development on the community in terms of parents and interested agencies who may petition school districts to provide programs.
Selective Mandate:	In this case, not all disabilities are treated equally. Education is provided (mandated) for some, but not all categories of disabilities.

The work performed herein was done pursuant to a grant from the Bureau of Education for the Handicapped, US Office of Education, Department of Health, Education, and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the US Office of Education, and no official endorsement by the US Office of Education should be inferred.

The Education for All Handicapped Children Act
Public Law 94-142

- **Does P. L. 94-142 replace the earlier Federal Education of the Handicapped Act?**

No. P. L. 94-142 is a complete revision of Part B only of the Education of the Handicapped Act. Part B was formerly that portion of the Act addressing the basic State grant program. The other components of EHA (Parts A-G) remain substantially unchanged and continue in operation. Parenthetically, all programs under the aegis of the EHA, including the P. L. 94-142 revision of Part B, are administered through the Bureau of Education for the Handicapped (USOE - HEW).

- **How are handicapped children defined for purposes of P. L. 94-142?**

Handicapped children are defined as:

> mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired, or children with specific learning disabilities, who by reason thereof require special education and related services. (Sec. 602)

- **P. L. 94-142 is intended to help pay for special education and related services for handicapped children as defined above. How are special education and related services defined?**

Special education:

> The term "special education" means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

Related services:

> The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education and includes the early identification and assessment of handicapping conditions in children.

- What age groups may benefit from this Act?

P. L. 94-142 stipulates that all handicapped children, aged three to twenty-one years, may enjoy the special education and related services provided through this measure. There is also provision for the use of Federal monies for programs of early identification and screening.

- Are there priorities in the expenditure of funds?

Yes. The given State must have established priorities for providing a free, appropriate public education in the following manner:

- first priority to children who are not receiving an education
- second priority to children inadequately served with the most severe handicaps (within each disability)

Correspondingly, there must be a priority in the expenditure of Federal dollars received under this Act which conforms to those same priorities. Moreover, these priorities must be adhered to by both the State education agency and its local education agencies.

- What is the formula for distribution of funds among the States?

P. L. 94-142 establishes a payment formula based upon a gradually escalating percentage of the National average expenditure per public school child times the number of handicapped children being served in the school districts of each State in the Nation. That percentage will escalate on a yearly basis until 1982 when it will become a permanent 40 percent for that year and all subsequent years.

Formula Scale

Fiscal 1978 ..... five percent
Fiscal 1979 ..... ten percent
Fiscal 1980 ..... twenty percent
Fiscal 1981 ..... thirty percent
Fiscal 1982 ..... forty percent

It should be carefully noted that such a formula carries an inflation factor, i.e. the actual money figure fluctuates with inflationary-deflationary adjustments in the National average per pupil expenditure.

- What are the currently estimated dollar totals thus generated by this formula?

On the basis of the National average per pupil expenditure at the time action on this legislation in the Congress was being finalized (approximately $1250, Autumn of 1975), Congressional sources drew up the following estimates for the first years under this new formula:

Fiscal 1978 ..... $387 million (on the five percent factor)
Fiscal 1979 ..... $775 million (on the ten percent factor)
Fiscal 1980 ..... $1.2 billion (on the twenty percent factor)
Fiscal 1981 ..... $2.32 billion (on the thirty percent factor)
Fiscal 1982 ..... $3.16 billion (on the forty percent factor)

- Does the preceding guarantee actual appropriations?

No. This is the "authorizing" mechanism only. In other words, this formula will determine the absolute ceiling, beyond which ceiling no further dollars can be appropriated. But the dollars must still in fact be appropriated by the Congress.

- Is there a limit on the number of children who can be counted as handicapped for purposes of the Federal formula?

P. L. 94-142 addresses the potential threat of "over-counting" children as handicapped in order to generate the largest possible Federal allocation. The measure requires that the total number of children counted should not be greater than that number which equals 12 percent of the total school age population of the State between the ages of five and seventeen, inclusive. It must be emphasized that this limitation relates to the Federal entitlement only, and in no way places a limitation on the number of children assessed as handicapped by the States and their localities for their own purposes. Furthermore, this limitation has no relation to the mandates for serving all handicapped children contained in this Act.

- Is there a limitation on the number of children with specific learning disabilities (SLD) who may be counted for purposes of the Federal funding formula?

The U. S. Commissioner of Education may, within one year, provide detailed regulations relative to SLD, including the development of a more precise Federal definition, the prescription of comprehensive diagnostic criteria and procedures, and the prescription of procedures for monitoring of said regulations by the Commissioner. If the authorizing committees of the House and Senate disapprove the Commissioner's regulations, then a ceiling on the number of children with learning disabilities who may be counted by the State for purposes of the formula will be included when the new formula takes effect. The ceiling would provide that not more than one-sixth of the 12 percent of school-age children aged five to seventeen inclusive who may be counted as handicapped children served may be children with specific learning disabilities.

- What is the relationship of this Act to P. L. 89-313?

Children counted for purposes of generating an entitlement under this Act may not also be counted under the formula for P. L. 89-313, the program of supplemental educational services for handicapped children in State operated or supported facilities.

- **How does a local education agency participate under this Act?**

P.L. 94-142 contains a substantial pass-through to the local school districts. In the first year of the new formula, 50 percent of the monies going to each State would be allocated to the State education agency, and 50 percent would be allocated to the local education agencies. In the following year, fiscal 1979, the LEA entitlement would be enlarged to 75 percent of the total allocation to a given State, with the SEA retaining 25 percent. This 75-25 arrangement commencing in fiscal '79 becomes the permanent distribution arrangement. The current State control of all funds is retained for the remainder of fiscal 1976 and fiscal 1977.

- **Are there constraints upon this pass-through?**

Though P.L. 94-142 authorizes a substantial local entitlement, there are numerous "strings attached." The State education agency must refuse to pass-through Federal monies generated when:

- the school district does not conform to the overall State plan requirements contained in this Act and in existing law (such as "full service" goal, confidentiality, etc.);
- the school district fails to meet the local application requirements;
- the State deems the local district unable to make effective use of its entitlement unless it consolidates its entitlement with the entitlement of one or more other school districts (thus allowing great flexibility in funding arrangements);
- when the program for handicapped children within the school district is of insufficient size and scope;
- when the school district is adequately providing a free appropriate public education for all handicapped children with State and local funds. (This provision is permissive. The State education agency does not have to do so.);
- when the State determines that one or more children in a local school district can best be served by a regional or State center.

Furthermore, P.L. 94-142 sets a flat monetary minimum. If a school district, after counting all of its handicapped children served, cannot generate an allocation for itself of at least $7,500, a pass-through to that school district does not occur. This provision is, of course, also aimed at encouraging various sorts of special education consortia in order to make a meaningful use of the Federal dollars.

- **What are the major requirements under this Act?**

P.L. 94-142 makes a number of critical stipulations which must be adhered to by both the State and its localities. These stipulations include:

- assurance of extensive child identification procedures;
- assurance of "full service" goal and detailed timetable;
- a guarantee of complete due process procedures;
- the assurance of regular parent or guardian consultation;
- maintenance of programs and procedures for comprehensive personnel development including in-service training;
- assurance of special education being provided to all handicapped children in the "least restrictive" environment;
- assurance of nondiscriminatory testing and evaluation;
- a guarantee of policies and procedures to protect the confidentiality of data and information;
- assurance of the maintenance of an individualized program for all handicapped children;
- assurance of an effective policy guaranteeing the right of all handicapped children to a free, appropriate public education, at no cost to parents or guardian;
- assurance of a surrogate to act for any child when parents or guardians are either unknown or unavailable, or when said child is a legal ward of the state.

It is most important to observe that an official, written document containing all of these assurances is now required (in the form of an application) of every school district receiving its Federal entitlement under P.L. 94-142. Correspondingly, such a public document also exists at the State level in the form of the annual State plan which must be submitted to the U. S. Commissioner.

Parenthetically, the State education agency is responsible for monitoring compliance by its local school districts with respect to these stipulations. The U. S. Commissioner has corresponding monitoring responsibilities with respect to State education agency compliance.

- **What if a school district is too small to qualify or cannot offer programs of sufficient size and scope?**

Provision is made in the Act for a type of educational unit larger than the local education agency. An intermediate educational unit is defined as a public authority

established by State law to provide free public education on a regional basis to handicapped children. Unlike the other consolidated arrangements allowed under this Act, where authority is shared equally among the local districts thus consolidated, the intermediate educational unit is self governing.

Such an intermediate educational unit, when so determined by the State education agency, may have all of the rights and responsibilities under this Act of a local education agency and may receive a Federal entitlement.

- What are the supplanting provisions?

In the use of the Federal dollars generated under this formula, both the State agency and the local education agencies must maintain their own expenditure levels. In other words, they may not supplant State and local dollars with Federal dollars.

However, if the State agency provides convincing evidence to the U. S. Commissioner that the State is making available a free, appropriate public education to all handicapped children within the State, and if the U. S. Commissioner certifies that declaration, then the U. S. Commissioner may waive the non-supplanting provision in whole or in part.

- What is the "excess cost" feature?

P.L. 94-142 provides that Federal monies must be spent only for those "excess cost" factors attendant to the higher costs of educating handicapped children. A given school district must determine its average annual per pupil expenditure for all children being served, and then apply the Federal dollars only to those additional cost factors for handicapped children beyond the average annual per pupil expenditure. Such a requirement does not obtain for the State education agency in the utilization of its allocation under this Act. However, the State education agency is required to match its allocation on a "program basis," but is not required to match with new monies.

- When must all handicapped children be served?

P.L. 94-142 requires that every State and its localities, if they are to continue to receive funds under this Act, must be affording a free public education for all handicapped children aged three to eighteen by the beginning of the school year (September 1) in 1978, and further orders the availability of such education to all children aged three to twenty-one by September 1, 1980.

However, for children in the three to five and 18 to 21 age ranges, such mandate does not apply if such a requirement is inconsistent with State law or practice, or any court decree.

- **Is there a requirement for individualized instruction?**

  The State education agency must guarantee that there is a written individualized education program for each and every handicapped child in the State, developed jointly with the parents or guardian of each child, and reviewed at least annually and revised where necessary. The local agencies must guarantee the same individualized program for all children within their educational jurisdiction.

- **What procedures are contained in the Act to protect the educational rights of handicapped children and their parents?**

  Those provisions of previously existing law (P. L. 93-380, the Education Amendments of 1974) toward the guarantee of due process rights are further refined in P. L. 94-142, and their scope is substantially enlarged.

  Basically, the State education agency must guarantee the maintenance of full due process procedures for all handicapped children within the State and their parents or guardian with respect to all matters of identification, evaluation, and educational placement whether it be the initiation or change of such placement, or the refusal to initiate or change. Interested individuals are strongly urged to read Section 615 of the Act ("Procedural Safeguards") in its entirety.

  It should be observed that the P. L. 94-142 refinements take effect in the first year under the new formula, i.e. fiscal 1978. In the meantime, those basic features of due process as authorized in the prior Act (P. L. 93-380) must be maintained by the States.

  It should be further noted that, when the parents or guardian of a child are not known, are unavailable, or when the child is a legal ward of the State, the State education agency, local education agency or intermediate education agency (as appropriate) must assign an individual to act as a surrogate for the child in all due process proceedings. Moreover, such assigned individual may not be an employee of the State educational agency, local educational agency, or intermediate educational unit involved in the education or care of the particular child.

- **Can Federal money under this Act be withheld?**

  The U. S. Commissioner must cut off funds to a given State education agency if that agency is in substantial noncompliance with any of the major requirements of this Act. In such an instance, the Commissioner must also cut off funding for those programs specifically designed for handicapped children under the following titles:

  - **Part A of Title I of the Elementary and Secondary Education Act**

- Title III of the Elementary and Secondary Education Act (innovative programs) and its successor, Part C, Educational Innovation and Support, Section 431 of P. L. 93-380

- The Vocational Education Act

Moreover, the U. S. Commissioner may order the State education agency to cut off the flow through to a given school district if the U. S. Commissioner evidences substantial noncompliance by a school district.

- What are the parameters of State education agency authority and responsibility under this Act?

P. L. 94-142 requires that the State educational agency be responsible for ensuring that all requirements of the Act are carried out. Moreover, all education programs within the State for all handicapped children, including all such programs administered by any other State or local agency, must meet State educational agency standards and be under the general supervision of the State education agency. This provision establishes a single line of authority within one State agency for the education of all handicapped children within each State.

- Is there special encouragement to serve preschool handicapped children?

P. L. 94-142 carries a special incentive grant aimed at encouraging the States to provide special education and related services to its preschool handicapped children. Each handicapped child in the State aged three through five who is counted as served will generate a special $300 entitlement. It should be noted that this incentive entitlement goes to the State education agency and must be used by the State education agency to provide further preschool services. Additionally, this entitlement requires a separate "line item" appropriation, independent of the larger P. L. 94-142 appropriation.

- Is there special encouragement for the removal of architectural barriers within existing school systems?

P. L. 94-142 authorizes such sums as may be necessary for the U. S. Commissioner to award grants to pay all or part of the cost of altering existing buildings and equipment to eliminate architectural barriers in educational facilities. Such provision is aimed at assuring certain handicapped children an appropriate public education in the least restrictive environment. As in the case of the previous heading on preschool incentive, the actual money for this component must be separately appropriated by the Congress.

- **Are private facilities eligible to receive funds under this Act?**

Children in private elementary and secondary schools may receive assistance for their special education under this Act if:

- **such children are placed in or referred to such schools by the State or local education agency as a means of carrying out public policy;**
- **an individualized education program, as required by this Act, is maintained for such children in private facilities;**
- **the special education is at no cost to the parents;**
- **the State education agency determines that participating schools meet the standards that apply to State and local education agencies;**
- **the children served in such facilities are accorded all of the educational rights they would have if served directly by public agencies.**

- **Is a formal advisory panel mandated in P. L. 94-142?**

P. L. 94-142 orders that each State shall have an advisory panel to be appointed by the Governor or any other official authorized under State law to make such appointments. This panel must be composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children.

The panel shall have the following duties:

- **advise the State education agency on unmet needs relative to the education of all handicapped children within the State;**
- **comment publicly on rules and regulations issued by the State and procedures proposed by the State for distribution of funds;**
- **assist the State in developing and reporting such data and evaluations as may assist the U. S. Commissioner.**

- **Are the States allowed to reserve monies for administration of the Act?**

The State education agency is permitted to reserve to itself from the total allotment to the State under this Act - in any given year - five percent or $200,000, whichever is greater, to support its administrative responsibilities. This administrative reservation must be taken from the overall State education agency allocation, i.e. from the 50 percent State education agency allocation in fiscal 1978, and from the 25 percent State education agency allocation of fiscal 1979 and thereafter.

- **What national evaluations are mandated?**

  The U. S. Commissioner must evaluate the impact of this Act on an annual basis and provide a full report to the Congress not later than 120 days after the close of each fiscal year.

  That annual evaluation shall include the following special evaluations:

  - an evaluation of the effectiveness of individualized instruction;
  - an evaluation of the effectiveness of educating handicapped children in the least restrictive environment;
  - an evaluation of the effectiveness of procedures to prevent the erroneous classification of children.

- **Will vital data be generated on a regular basis?**

  The U. S. Commissioner is required to provide to the Congress and the public at least annually -- and is required to update annually -- data and information on the educational status of the Nation's handicapped children, such as the number of children served and unserved within each disability, the kinds and number of educational personnel employed, etc.

- **Are the Nation's educational systems encouraged to employ the handicapped?**

  P. L. 94-142 stipulates that recipients of Federal assistance under this Act shall make positive efforts to employ and advance in employment qualified handicapped individuals.

- **How long will this Act be in force?**

  P. L. 94-142 is established as a permanent authority with no expiration date.

THE STATE OF NORTH DAKOTA
Department of Public Instruction

Howard Snortland, Superintendent
Lowell L. Jensen, Deputy
BISMARCK, NORTH DAKOTA 58505

MEMO TO: Special Education Directors, County Superintendents in Counties Where There Are No Special Education Directors

FROM: Janet B. Kuntz, Ph.D., Coordinator, Title VI-B

DATE: February 17, 1977

RE: Participation in the Department of Public Instruction State Plan for Receipt of P.L. 94-142 Federal Funds

The Education of Handicapped Children Act P.L. 94-142 for FY 78 requires data from all major programs responsible for the education of handicapped children. This data will be included in the Department of Public Instruction annual program plan to be submitted to the Bureau of the Handicapped, Office of Education. It is necessary to collect this information.

Enclosed are the instructions and forms for collecting required information. Data will include present and future personnel, numbers of handicapped children, and appropriate educational placement.

Please return this information by March 15. Thank you for your cooperation.

JBK:bjh

(1) Items 1, 2, and 3 Special Class Teachers, Resource Room Teachers and Itinerant/Consulting Teachers.

For school year 1976-1977, enter in cells for items 1, 2, and 3,

(a) the actual total number of full time staff equivalents employed for that school year and

(b) the number of full time staff equivalents employed in each of the disability areas (columns (b) through (j)).

For school years 1977-78 and 1978-79, enter in cells for items 1, 2, and 3,

(a) estimates of the total number of full time staff equivalents to be employed as of September 1, 1977 and September 1, 1978 respectively, and

(b) the number of full time staff equivalents to be employed in each of the disability areas (columns (b) through (j)).

NOTE: When listing staff, report in full time equivalents (i.e. equivalent of full time staff working exclusively with handicapped).

(2) Column (a) Items 4-14. Psychologists/Educational Evaluators, School Social Workers, Occupational Therapists, Home-Hospital Teachers, Speech Pathologists, Teacher Aides, Vocational Education Teachers, Work Study Coordinators, Physical Education Teachers, Recreation Therapists, and Supervisors/Program Coordinators. Report only a total in Column (a)

(a) For the school year 1976-1977, list the total number of full time equivalent staff employed for that school year, for each category of staff.

(b) For the school years 1977-78 and 1978-79, list the total number of full time equivalent staff you anticipate will be employed by September 1, 1977 and September 1, 1978, respectively for each category of staff

(3) Column (a), Item 15 Total Personnel

The "total personnel" cell requires a summary of all the full time equivalent staff positions listed in the cells above (items 1-14).

Summary of Actual [illegible]er of Personnel Employed During the 197[illegible] School Year for Services to the 0 throu[illegible]1 age Population in _____.[1]

TABLE #2A Personnel	Total (sum of columns b thru j) (a)	Mentally Retarded (b)	Hard of Hearing (c)	Deaf (d)	Speech Impaired (e)	Visually Handi. (f)	Seriously Emotional Disturbed (g)	Ortho-pedi. Impair (h)	Health Impaired (i)	Specific Learning Dis. (j)
1. Special Class Teachers										
2. Resource Room Teachers										
3. Itinerant/Consult Teach.[2]										
4. Psychologist Ed. Evaluator										
5. School Social Worker										
6. Occupational Therapist										
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Teacher Aides										
10. Vocational Ed. Teachers[3]										
11. Work-Study Coordinators										
12. Physical Ed. Teachers[4]										
13. Recreation Therapists										
14. Supervisors/Prog. Coor.										
15. Total Personnel										

1. Give name to identify unit, school district, county, multicounty, or agency.
2. Include here SLD, hearing, or teachers of multi-handicapped who travel to more than one school.
3. Include only those vocational education teachers who qualify in special education and teach handicapped children.
4. Include only those physical education teachers who qualify in special education and teach handicapped children.

Summary of Actual Number of Personnel Employed[1] During the 1977-78 School Year for Services to the 0 through 21 age Population in _____.

TABLE #2B Personnel	Total (sum of columns b thru j) (a)	Mentally Retarded (b)	Hard of Hearing (c)	Deaf (d)	Speech Impaired (e)	Visually Handi. (f)	Seriously Emotional Disturbed (g)	Ortho-pedi. Impair (h)	Health Impaired (i)	Specific Learning Dis. (j)
1. Special Class Teachers										
2. Resource Room Teachers										
3. Itinerant/Consult Teach.[2]										
4. Psychologist Ed. Evaluator										
5. School Social Worker										
6. Occupational Therapist										
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Teacher Aides										
10. Vocational Ed. Teachers[3]										
11. Work-Study Coordinators										
12. Physical Ed. Teachers[4]										
13. Recreation Therapists										
14. Supervisors/Prog. Coor.										
15. Total Personnel										

1. Give name to identify unit, school district, county, multicounty, or agency.
2. Include here SLD, hearing, or teachers of multi-handicapped who travel to more than one school.
3. Include only those vocational education teachers who qualify in special education and teach handicapped children.
4. Include only those physical education teachers who qualify in special education and teach handicapped children.

Summary of Actual Number of Personnel Employed During the 1978-79 School Year for Services to the 0 through 21 age Population in _____.[1]

TABLE #2C Personnel	Total (sum of columns b thru j) (a)	Mentally Retarded (b)	Hard of Hearing (c)	Deaf (d)	Speech Impaired (e)	Visually Handi. (f)	Seriously Emotional Disturbed (g)	Ortho-pedi. Impair (h)	Health Impaired (i)	Specific Learning Dis. (j)
1. Special Class Teachers										
2. Resource Room Teachers										
3. Itinerant/Cursult Teach.[2]										
4. Psychologist Ed. Evaluator										
5. School Social Worker										
6. Occupational Therapist										
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Teacher Aides										
10. Vocational Ed. Teachers[3]										
11. Work-Study Coordinators										
12. Physical Ed. Teachers[4]										
13. Recreation Therapists										
14. Supervisors/Prog. Coor.										
15. Total Personnel										

1. Give name to identify unit, school district, county, multicounty, or agency.
2. Include here SLD, hearing, or teachers of multi-handicapped who travel to more than one school.
3. Include only those vocational education teachers who qualify in special education and teach handicapped children.
4. Include only those physical education teachers who qualify in special education and teach handicapped children.

TABLE #3
Children Served and Service Needs in Priority Areas

Instructions

Submit one data sheet on the children requiring and receiving special education and related services during the current school year only, 1976-1977. The data will show the total number of (1) children being served by age groups, (2) identified handicapped children not receiving an education by age groups, and (3) severely handicapped children currently being educated but requiring additional special education and related services.

1. Item 1. Enter a count of children receiving an education by age category and primary type of disability.
2. Item 2. Enter a count of identified handicapped children not receiving an education.
3. Item 3. Enter a count of severely handicapped children being educated, but requiring additional special education and related services.

TABLE 3

Children Served and Service Needs in Priority Areas | Date | School or Agency Name

1976-1977

	(1) Receiving an Education			(2) 1st Priority Not Receiving an Education			(3) 2nd Priority, Severely Handicapped Being Educated But Requiring Additional Spec. Education and Related Services		
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21
Mentally Retarded									
Hard of Hearing									
Deaf									
Speech Impaired									
Visually Handi.									
Emotionally Dis.									
Orthopedically Impaired									
Health Impaired									
Specific Learning Disabilities									
TOTAL									

Multiple handicapped students should be entered in the category describing their most severe disability.

1. Count all students being served in the special education program 1976-1977.
2. Count all identified handicapped children who are not now receiving special educational services provided through the public school.
3. Count only severely handicapped students whose special educational needs are being partially met. (Include these children in column 1.). Severely handicapped is defined as those students whose needs are complex and will require long term treatment.

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Instructions

Least Restrictive Environment

TABLE #4A

Section 612 (5) of Public Law 94-142 states that each State Plan shall provide "procedures to insure that to the maximum extent appropriate, handicapped children are educated with children who are not handicapped". The Least Restrictive Environment consists of three major categories (a) Regular Class, (b) Separate Class, (c) Other Educational Environment.

(a) Regular Class: Indicate totals in column (a), Total Receiving Special Education in Regular Class, and column (b), Total Needing Placement in Regular Class by age groups and disability specified.

(b) Separate Class: Columns (c) and (d) Total Receiving Special Education in Separate Classes and Total Needing Placement in Separate Classes. Indicate totals in columns(c) and (d) by age groups and disability specified.

(c) Other Educational Environments: Data for column (e and (f) Total Receiving Special Education in Other Educational Environments and total needing placement in other Educational Environments should be provided by the age groups and disabilities specified.

LEAST RESTRICTIVE ENVIRONMENT

TABLE #4A Placement[1] and Number of Handicapped Children in Each Setting for School Year 1976-1977

School or Agency Name_____

Date_____

Disability	TOTAL Receiving Spec. Education in Regular Class[2] (A)			TOTAL Needing Placement in Regular Class[3] (B)	TOTAL Receiving Spec. Educa. in Separate Class[4] (C)			TOTAL Needing Placement in Separate Class[5] (D)	TOTAL Receiving Spec. Ed. in Other Educational Environments[6] (E)			TOTAL Needing Placement in Other Educational Environments[7] (F)
	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	5 thru 17	18 thru 21	3 thru 21
Mental Retardation												
Hard of Hearing												
Deaf												
Speech Impaired												
Visually Handicapped												
Emotionally Handicapped												
Orthopedically Impaired												
Health Impaired												
Specific Learning Disabilities												
Total												

1. Placement refers to primary placement of the handicapped child.
2. Include here all handicapped children receiving speech therapy, specific learning disability services, resource room services and any other major special education services received while placed in the regular classroom.
3. Estimate the number of handicapped students whose appropriate placement would be in the regular classroom.
4. Enter total number of handicapped students whose major educational programs are in separate special education classes.
5. Estimate the number of handicapped children whose appropriate placement would be in a separate class.
6. Enter the number of handicapped students who receive homebound or hospital educational services.
7. Estimate the number of handicapped students whose appropriate placement would be homebound or hospital educational services.